

**RELATORS' MOTION FOR
STATUTORY ATTORNEYS' FEES, COSTS AND EXPENSES**

APPENDIX

*United States of America ex rel. Richard Drummond
v. BestCare Laboratory Services, LLC and Karim A. Maghareh,
No. H-08-2441 (S.D. Texas)*

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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
Houston Division**

UNITED STATES OF AMERICA *ex rel.*
RICHARD DRUMMOND,

Plaintiffs,

v.

BESTCARE LABORATORY SERVICES,
LLC and KARIM A. MAGHAREH,

Defendants.

Civil Action No. H-08-2441

DECLARATION OF MITCHELL R. KREINDLER

I, Mitchell R. Kreindler, declare as follows:

1. I am counsel for plaintiff and relator Richard Drummond in this action and have represented Dr. Drummond throughout this litigation. I am submitting this Declaration in support of Relator's motion for an award of attorneys' fees, costs and expenses in connection with services rendered to Dr. Drummond by me and my co-counsel, Melissa Neiman.

2. I am an attorney licensed to practice law in the State of Texas. My Texas Bar No. is 24033516. I was previously admitted to the Bars of Pennsylvania, Maryland and the District of Columbia, although I have voluntarily taken inactive or resigned status in those jurisdictions. I am also admitted to practice before a variety of federal courts, including the United States Supreme Court, United States Courts of Appeals for Third, Fourth, Fifth and District of Columbia Circuits, and United States District Courts for the Southern, Eastern and Western Districts of Texas, Eastern District of Pennsylvania, District of Maryland and District of the District of Columbia. I have never been disciplined in any jurisdiction and have always been a member in good standing in all courts and jurisdictions listed above.

3. I was first admitted to the bar in Maryland in 1987. I have practiced law continuously since that time, concentrating my practice exclusively on the representation of False Claims Act relators since 1994. My firm, Kreindler & Associates, was formed in 2000. Dr. Neiman and I were the attorneys from Kreindler & Associates that were most involved in performing work on behalf of Dr. Drummond.

4. False Claims Act cases are difficult, complex and very risky. Statistically, the United States intervenes in less than 25% of all such cases that are filed.¹ Moreover, my experience is that these cases usually take from 3 to 7 years to resolve. This case demonstrates the risky nature of these actions because it was filed on August 8, 2008 and has been pending for ten years.

5. Counsel, including Kreindler & Associates in this case, usually undertake these matters on a contingent fee basis with no promise of compensation in the absence of achieving a successful outcome for the United States. Dr. Drummond's attorneys have been working for over a decade without a penny of compensation.

6. Our practice is a national one, and we have represented FCA whistleblowers in federal courts across the country, including in Texas, Arizona, California, Florida, Maryland, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania and Nevada.

7. My normal billing rate is \$600 per hour, and Dr. Neiman's normal rate is \$500.

8. In my opinion, in a case of this type, these hourly rates for attorneys who are very

¹ U.S. Department of Justice, U.S. Attorney's Office for the Eastern District of Pennsylvania, False Claims Act Cases: Government Intervention in Qui Tam (Whistleblower) Suits ("Fewer than 25% of filed qui tam actions result in an intervention on any count by the Department of Justice.") (undated memorandum) (visited July 31, 2018) < http://www.justice.gov/sites/default/files/usao-edpa/legacy/2011/04/18/fcaprocess2_0.pdf >; *see also* Wikipedia, "False Claims Act" (visited July 31, 2018) < https://en.wikipedia.org/wiki/False_Claims_Act > ("Fewer than 25% of filed qui tam actions result in an intervention on any count by the Department of Justice").

experienced lawyers in a highly specialized, national field is reasonable, if not below the rates normally charged by most attorneys of comparable experience who regularly and successfully practice in this area of law.

9. While the special expertise and the national nature of this type of practice requires that the reasonableness of counsels' rates be determined on a national basis, it is worth noting that these rates are reasonable even when judged by local standards.

10. I have reviewed Kreindler & Associates' 45 pages of time and billing records related to this case. Dr. Neiman and I have submitted, through July 31, 2018, over 700 hours of time working on this case. That total reflects reductions made after applying billing judgment to each time and billing entry. After reducing our time and billing entries, our lodestar (hours times rates) in this case is \$424,370.82. In addition, we have incurred \$4,336.84 in out-of-pocket costs and expenses. *See App. 07-19.*

11. My firm's detailed time and billing records include the date and description of the services performed, time incurred, hourly rate and total dollar amount. The attached billing records do not reveal any privileged information but describe in detail the services performed.

12. As counsel for the Relator in this case, Dr. Neiman and I worked closely with Dr. Drummond to prepare this case for delivery to the United States. We prepared a 20-page privileged, narrative explanation of the case. When the United States intervened in this action, Dr. Drummond and his counsel continued working hand-in-glove with government counsel to secure a judgment against the defendants for the fraud they committed against Medicare. We reviewed documents, researched and reviewed applicable case law, frequently communicated with government counsel regarding legal strategy and evidentiary issues, and provided analysis to the government. This case has involved many motions, including multiple motions to dismiss, for

summary judgment and for reconsideration. Numerous depositions were taken and mediation occurred. The amount of time involved with all these activities, over a ten year period, has been substantial and justified.

I declare on this 31st day of July 2018, under the penalty of perjury and the laws of the United States, that the foregoing is true and correct to the best of my personal knowledge and belief.



Mitchell R. Kreindler

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
Houston Division**

UNITED STATES OF AMERICA *ex rel.*
RICHARD DRUMMOND,

Plaintiffs,

v.

BESTCARE LABORATORY SERVICES,
LLC and KARIM A. MAGHAREH,

Defendants.

Civil Action No. H-08-2441

DECLARATION OF MELISSA NEIMAN

I, Melissa Neiman, declare as follows:

1. I am counsel for plaintiff and relator Richard Drummond in this action and have represented Dr. Drummond throughout this litigation. I am submitting this Declaration in support of relator's motion for an award of attorneys' fees, costs and expenses in connection with services rendered to Dr. Drummond by me and my co-counsel, Mitch Kreindler.

2. Practicing law is a second career for me. I began my professional career in medicine. I am a Board Certified neurosurgeon licensed to practice medicine in Texas. I received my medical degree with honors from the University of Texas Medical Branch in Galveston, Texas and completed a 6-year residency in neurological surgery at Parkland Memorial Hospital in Dallas, Texas. I practiced neurological surgery for fourteen years, including twelve years in solo private practice in Bethesda, Maryland and Washington, D.C.

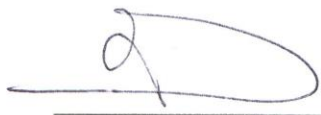
3. In 2006, I graduated from the University of Houston Law School and was admitted to the Texas Bar later that year. My Texas Bar No. is 24056028. I have never been disciplined in any jurisdiction for either my legal or medical licenses and have always been a member in good standing in all courts and jurisdictions in which I have practiced. I have been representing relators

in FCA litigation since 2006 and have practiced with Kreindler & Associates during that entire period.

4. Attached as part of this Appendix is an Invoice for Professional Services that reflects the effort I spent on this case.

5. Mr. Kreindler and I prepared the 14-page Complaint and 20-page privileged narrative explanation of the case. After the government intervened in this action, Dr. Drummond and his counsel continued working extensively on the case, assisting the government throughout, ensuring that a judgment was obtained in favor of the United States.

I declare on this 31st day of July 2018, under the penalty of perjury and the laws of the United States, that the foregoing is true and correct to the best of my personal knowledge and belief.



Melissa Neiman

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
03/12/08	Meeting with Melissa Neiman and Rick Drummond to review allegations of Best Care Lab fraud; conversation with Neiman regarding how to proceed with allegations.	MRK	1.5	600.00	900.00	
03/26/08	Review Melissa Neiman's draft email to client discussing proposed means of proceeding; revise same; telephone call with Neiman discussing alternate approach.	MRK	0.75	600.00	450.00	
04/29/08	Telephone call with AUSA Andrew Bobb discussing possible action against Best Care labs.	MRK	0.25	600.00	150.00	
04/30/08	Review draft request to Tri-C for information regarding lab billings; prepare email to Melissa Neiman discussing same.	MRK	0.5	600.00	300.00	
05/12/08	Prepare email to Andrew Bobb providing Rick Drummond federal identification numbers.	MRK	0.16667	600.00	100.00	
05/20/08	Review spreadsheet showing peer review results for mileage charges; prepare email to Melissa Neiman discussing same; telephone call with Neiman developing a plan on how to proceed.	MRK	0.66667	600.00	400.00	
06/03/08	Extended telephone call with Melissa Neiman re results of government mini-investigation and case structure.	MRK	0.41667	600.00	250.00	
06/25/08	Telephone call with Melissa Neiman discussing developments at intended defendant.	MRK	0.25	600.00	150.00	
07/04/08	Write complaint	MN	4	500.00	2,000.00	
07/05/08	Talk to relator and work on complaint	MN	2	500.00	1,000.00	
07/09/08	Work on Complaint	MN	3	500.00	1,500.00	
07/15/08	Research and drafting- complaint	MN	8	500.00	4,000.00	
07/16/08	Discussion with relator, work on complaint	MN	3	500.00	1,500.00	
07/18/08	Review and revise draft complaint, highlighting issues for further investigation.	MRK	2.5	600.00	1,500.00	
07/21/08	Telephone call with Melissa Neiman discussing case status and revisions to complaint.	MRK	0.66667	600.00	400.00	
07/26/08	Review email from Melissa Neiman discussing Medicaid manual provision; review Medicaid manual and prepare email to Neiman discussing same.	MRK	0.33333	600.00	200.00	
07/26/08	Revise Complaint	MN	3	500.00	1,500.00	
07/27/08	Revise draft complaint.	MRK	1.25	600.00	750.00	
07/28/08	Work on Disclosure	MN	8	500.00	4,000.00	
07/29/08	Revise Disclosure	MN	2	500.00	1,000.00	
07/30/08	Talk with Relator, work on complaint and disclosure	MN	4	500.00	2,000.00	
07/30/08	Review and analyze draft disclosure statement; telephone call with Melissa Neiman discussing same and draft complaint.	MRK	1.75	600.00	1,050.00	
08/01/08	Work on disclosure, talk to relator, work on exhibits (regs), work on expert list	MN	3.83333	500.00	1,916.67	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
08/02/08	Revise and finalize draft complaint; extensively revise disclosure statement; research handling fee regulations.	MRK	6	600.00	3,600.00	
08/02/08	Work on Disclosure	MN	2	500.00	1,000.00	
08/03/08	Review revisions to disclosure statement forwarded by Melissa Neiman; review and edit same.	MRK	2.25	600.00	1,350.00	
08/03/08	Work on disclosure	MN	3	500.00	1,500.00	
08/04/08	Multiple telephone calls with Melissa Neiman working to finalize draft complaint; revise, proof and finalize draft complaint; prepare emails to Susan Miller and Michelle Zingaro providing copies of draft complaint for consideration and comment.	MRK	4.5	600.00	2,700.00	
08/05/08	Work on table for explanation of remittance notice-exhibit 6	MN	4	500.00	2,000.00	
08/05/08	Prepare letter to clerk transmitting complaint for filing; prepare motion to permit sealing; finalize complaint; multiple calls with Melissa Neiman discussing finalizing the disclosure statement; proof, revise and edit disclosure statement; finalize exhibits to disclosure statement; prepare letters service qui tam complaint and disclosure statement on Texas AG, US Attorneys' Office and US Attorney General; prepare email to Neiman providing copies of all documents.	MRK	7.5	600.00	4,500.00	
08/07/08	Chart exhibit based on Remittance Notice	MN	3	500.00	1,500.00	
08/11/08	Work on exhibits and disclosure addendum	MN	2	500.00	1,000.00	
08/13/08	Review email from Michelle Zingaro reporting on hearing before Court.	MRK	0.08333	600.00	50.00	
08/25/08	Telephone call with Michelle Zingaro discussing case background; telephone call with Judge Hughes case manager to confirm filing date; exchange emails with Zingaro discussing filing date.	MRK	0.91667	600.00	550.00	
09/01/08	Review scheduling order issued by Judge Hughes; prepare email to Michelle Zingaro discussing Court's order.	MRK	0.25	600.00	150.00	
09/03/08	Telephone call with Melissa Neiman discussing case status and draft supplemental disclosure; review draft disclosure and new exhibits.	MRK	0.66667	600.00	400.00	
09/04/08	Arrange government's interview with relator; review Michelle Zingaro's email confirming interview.	MRK	0.33333	600.00	200.00	
09/23/08	Addendum to Disclosure	MN	2	500.00	1,000.00	
09/25/08	Arrange rescheduled interview with Dr. Drummond; prepare email to Michelle Zingaro confirming details of interview.	MRK	0.33333	600.00	200.00	
09/26/08	Exchange emails with Melissa Neiman discussing government interview of relator and preparatory meeting with Rick Drummond.	MRK	0.33333	600.00	200.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
10/06/08	Meeting with Rick Drummond and Melissa Neiman in preparation for interview with government; participate in government's interview of the relator; debriefing meeting with Drummond and Neiman to discuss next steps.	MRK	6.25	600.00	3,750.00	
10/07/08	Telephone call with Melissa Neiman discussing approach to Martha Sharali; telephone call with Sharali discussing knowledge of defendants' fraud.	MRK	0.75	600.00	450.00	
10/11/08	Addendum to disclosure-NH clients of BestCare and their addresses	MN	3	500.00	1,500.00	
10/22/08	Begin editing letter to Michelle Zingaro following up on meeting at USAO; telephone call with Melissa Neiman discussing status of efforts to get more info from Rick Drummond; review various exhibits and edit text.	MRK	2.25	600.00	1,350.00	
10/27/08	Telephone interview of Martha Sharali; telephone call with Melissa Neiman reporting on substance of call.	MRK	1.5	600.00	900.00	
10/28/08	Review order from court rescheduling conference and prepare email to Michelle Zingaro discussing same; telephone call with court's clerk regarding effect of judge's order on seal and intervention decisions; prepare email to Zingaro reporting on information received; telephone call with Martha Sharali discussing her experience with Best Care and other potential witnesses; prepare email to Melissa Neiman reporting on conversation with Sharali; telephone call with Michelle Zingaro re same and providing contact information on additional key witnesses.	MRK	2.75	600.00	1,650.00	
10/28/08	Work on exhibits for addendum to disclosure	MN	2	500.00	1,000.00	
11/05/08	Revise letter to Michelle Zingaro and Susan Arenella providing supplemental info on claims; revise witness list and prepare email to Melissa Neiman seeking additional information on witnesses; revise various exhibits for inclusion in Zingaro/Arenella letter.	MRK	2.25	600.00	1,350.00	
11/05/08	Revise witness list after discussion with relator	MN	1	500.00	500.00	
11/06/08	Telephone call with Melissa Neiman discussing issues needed to finalize letter to Zingaro/Arenella; research laboratory coding issues; prepare email to Neiman discussing Trailblazer guidance on lab coding; finalize letter to Zingaro/Arenella discussing relator's claims and supplementing evidence; finalize exhibits.	MRK	2.5	600.00	1,500.00	
11/13/08	Telephone call with Martha Sharali discussing her knowledge of issues relevant to case.	MRK	0.33333	600.00	200.00	
11/17/08	Telephone call with Michelle Zingaro discussing expected meeting with Martha Sharali.	MRK	0.08333	600.00	50.00	
11/20/08	Met with witness-Martha Sharali	MN	3	500.00	1,500.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
11/20/08	Review notes and documents in preparation for interview with Martha Shirali; meeting with Melissa Neiman to prepare for interview of Sharali; meeting with Sharali to discuss her knowledge of BestCare's operations and facts relevant to the case.	MRK	4.5	600.00	2,700.00	
12/15/08	Telephone call with Melissa Neiman discussing preparations for hearing before Judge Hughes; telephone call with Michelle Zingaro discussing preparation for hearing before Judge Hughes; review file notes and pleadings in preparation for hearing; conference before Judge Hughes after lengthy delay.	MRK	4.25	600.00	2,550.00	
02/19/09	Review email from Michelle Zingaro discussing contractor delay in performing audit for case.	MRK	0.08333	600.00	50.00	
04/24/09	Review Michelle Zingaro's email discussing status of government's audit/investigation.	MRK	0.08333	600.00	50.00	
05/04/09	Preparation for conference before Judge Hughes; participate in conference; telephone call with Michelle Zingaro discussing government's review of TriCenturion documents and extension of seal.	MRK	2.25	600.00	1,350.00	
06/18/09	Telephone call with Melissa Neiman discussing status of case; review email from Neiman to Michelle Zingaro seeking status report; review Zingaro response.	MRK	0.33333	600.00	200.00	
08/04/09	Review email from Michelle Zingaro discussing extension of seal and partial unsealing of complaint; telephone call with Zingaro to follow up on her email.	MRK	0.25	600.00	150.00	
08/06/09	Prepare redacted copy of complaint; prepare email to Melissa Neiman seeking review of redactions by Dr. Drummond.	MRK	1.25	600.00	750.00	
09/14/09	Attend hearing before Judge Hughes to discuss progress in case and extension of the seal.	MRK	0.75	600.00	450.00	
09/25/09	Discussion with relator-documents to subpoena; type summary for AUSA	MN	1.5	500.00	750.00	
09/25/09	Telephone call with Melissa Neiman discussing potential documents to subpoena from Best Care; review email from Neiman enclosing certain Best Care documents and analysis of documents to be subpoenaed.	MRK	0.75	600.00	450.00	
10/02/09	Review memo prepared by Melissa Neiman discussing documents to be subpoenaed; prepare email to Neiman discussing same.	MRK	0.33333	600.00	200.00	
11/16/09	Telephone call with Melissa Neiman reporting on government's issuance of subpoena to defendants.	MRK	0.08333	600.00	50.00	
01/20/10	Telephone call with Michelle Zingaro discussing status of government investigation and results of meeting with defense counsel; telephone call with Melissa Neiman reporting on conversation with Zingaro.	MRK	0.58333	600.00	350.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
01/29/10	Multiple telephone calls with Melissa Neiman discussing her conversation with Michelle Zingaro regarding the government's interview with defendant; review notes of witness interview.	MRK	0.75	600.00	450.00	
02/01/10	Telephone call with Michelle Zingaro discussing meeting with defendant and investigative efforts; telephone call with Melissa Neiman reporting on conversation with Zingaro.	MRK	0.66667	600.00	400.00	
02/25/10	Telephone call with Michelle Zingaro discussing case status and limited damages calculations; telephone call with Melissa Neiman reporting on conversation with Zingaro.	MRK	0.5	600.00	300.00	
03/26/10	Telephone call with Melissa Neiman discussing case status.	MRK	0.25	600.00	150.00	
04/12/10	Telephone call with Michelle Zingaro discussing defendant's communications with Medicare; telephone call with Melissa Neiman reporting on conversation with Zingaro and suggesting research topic; research cases addressing effect of government knowledge on falsity and intent.	MRK	1.5	600.00	900.00	
04/20/10	Telephone call with Melissa Neiman discussing case status and legal research regarding FCA knowledge standard; telephone call with Neiman reporting on conversation with Michelle Zingaro about settlement negotiations and evidentiary issues.	MRK	0.66667	600.00	400.00	
04/21/10	Prepare email to Sharon Gurak seeking research assistance regarding defendant's expected defense.	MRK	0.16667	600.00	100.00	
04/22/10	Perform legal research from Claire Sylvia qui tam treatise re government acquiescence/knowledge.	SMG	0.75	550.00	412.50	
04/22/10	Telephone call with Sharon Gurak discussing research request relating to "government knowledge" defense; review Gurak email discussing results of her research.	MRK	0.25	600.00	150.00	
04/28/10	Review documents received from Melissa Neiman and Michelle Zingaro relating to Medicare travel allowance policy over various periods; telephone call with Michelle Zingaro discussing strengths and weaknesses of case, including missteps by carrier; telephone call with Michelle Zingaro reporting on conversation with Zingaro.	MRK	1.25	600.00	750.00	
05/04/10	Memo Govt Knowledge	MN	6	500.00	3,000.00	
05/06/10	Memo Govt Knowledge	MN	9	500.00	4,500.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
05/07/10	Telephone call with Melissa Neiman discussing her research into the "government knowledge" defense; review research paper prepared by Neiman; research additional case law; prepare email to Brian Kenney seeking information about briefing on this issue in qui tam case he handled; prepare email to Neiman discussing impressions about her research and next steps.	MRK	1.5	600.00	900.00	
05/12/10	Memo BestCare	MN	7	500.00	3,500.00	
05/14/10	Telephone call with Melissa Neiman discussing revisions to draft research memo on government knowledge; extensively revise and shorten research memo; prepare email to Neiman discussing additional work needed on memo and transmitting draft for her review.	MRK	2.25	600.00	1,350.00	
05/16/10	Review email from Melissa Neiman discussing draft memo on government knowledge defense; revise memo and prepare email to Neiman discussing same.	MRK	1.25	600.00	750.00	
05/16/10	Memo: BestCare Govt Knowledge	MN	4.5	500.00	2,250.00	
05/20/10	Review Heckler case; prepare email to Melissa Neiman discussing thoughts on same; review email from Neiman in response.	MRK	0.66667	600.00	400.00	
05/22/10	Review revised research memo on government knowledge defense; revise same to incorporate greater emphasis on Heckler (SCt) and hone text; finalize draft as a memo to Michelle Zingaro; prepare email to Melissa Neiman seeking final review of research memo.	MRK	2.25	600.00	1,350.00	
05/23/10	Exchange emails with Melissa Neiman discussing revisions to draft research memo on government knowledge defense; revise draft memo, proof and finalize for delivery to government.	MRK	1.75	600.00	1,050.00	
05/24/10	Proof final copy of research memo on government knowledge defense; prepare email to Michelle Zingaro discussing same.	MRK	0.33333	600.00	200.00	
08/05/10	Review recent case law and prepare email to Melissa Neiman suggesting its possible relevance to this case.	MRK	0.16667	600.00	100.00	
09/15/10	Telephone call with Michelle Zingaro discussing financial position of defendants and strategy for moving case forward.	MRK	0.25	600.00	150.00	
09/16/10	Telephone call with Melissa Neiman reporting on conversation with Michelle Zingaro discussing status of case.	MRK	0.25	600.00	150.00	
09/28/10	Review government's analysis of BestCare mileage billings; telephone call with Melissa Neiman discussing same.	MRK	0.41667	600.00	250.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
10/14/10	Telephone call with Melissa Neiman discussing case status.	MRK	0.16667	600.00	100.00	
11/23/10	Review email from Michelle Zingaro discussing correspondence from O'Brien Gould firm; review letter from new counsel; prepare email to Zingaro discussing same.	MRK	0.33333	600.00	200.00	
01/10/11	Telephone call with Michelle Zingaro reporting on government's interview with Dean Richardson and litigation strategy.	MRK	0.33333	600.00	200.00	
02/01/11	Telephone call with Melissa Neiman reporting on conversation with Michelle Zingaro regarding case status.	MRK	0.16667	600.00	100.00	
02/11/11	Telephone call with Melissa Neiman discussing email from Michelle Zingaro seeking time for conference call to discuss investigative efforts and case status.	MRK	0.16667	600.00	100.00	
02/16/11	Conference call with Dick Nicholson and Michelle Zingaro discussing status of government's investigation and additional investigative initiatives; follow up call with Neiman discussing compilation of data request for Health Integrity.	MRK	1.41667	600.00	850.00	
02/20/11	Data request Health Integrity	MN	2	500.00	1,000.00	
02/21/11	Review email from Melissa Neiman discussing data request to Health Integrity; begin analyzing proposed data request; prepare email to Neiman seeking information on certain elements of request.	MRK	0.66667	600.00	400.00	
03/01/11	Telephone call with Melissa Neiman discussing status of draft data request.	MRK	0.16667	600.00	100.00	
03/03/11	Review case notes and documentation; revise data search criteria to be provided to Health Integrity; extended telephone call with Melissa Neiman discussing same; revise data search criteria and forward to Neiman.	MRK	1.75	600.00	1,050.00	
03/07/11	Extended telephone call with Melissa Neiman reviewing draft of Health Integrity data request and analysis; revise draft request.	MRK	0.66667	600.00	400.00	
04/28/11	Telephone call with Michelle Zingaro discussing case status and schedule for Kerri McIntyre deposition.	MRK	0.16667	600.00	100.00	
05/12/11	Telephone call with Michelle Zingaro discussing the CID deposition of Kerri McIntyre.	MRK	0.33333	600.00	200.00	
05/26/11	Telephone call with Michelle Zingaro discussing status of discussions with defendant; lunch meeting with Zingaro and Dick Nicholson discussing evidence accumulated to date, results of Magareh deposition and strategy for proceeding with intervention; telephone call with Melissa Neiman reporting on results of meeting.	MRK	2.75	600.00	1,650.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
05/31/11	Review email from Dick Nicholson discussing recent case addressing government knowledge; review case and prepare email to Nicholson discussing law.	MRK	0.75	600.00	450.00	
07/22/11	Telephone call with Dick Nicholson discussing process for obtaining intervention authority and defendants' request for certain discovery; prepare email to Melissa Neiman reporting on conversation with Nicholson.	MRK	0.58333	600.00	350.00	
07/26/11	Telephone call with Michelle Zingaro discussing case status, government intervention, witness interviews and legal issues.	MRK	0.33333	600.00	200.00	
08/29/11	Telephone call with Michelle Zingaro discussing case status and impending government intervention.	MRK	0.33333	600.00	200.00	
09/16/11	Telephone call with Michelle Zingaro discussing government's intervention in case; telephone call with Richard Drummond reporting on conversation with Zingaro and discussing strategy for moving forward; prepare email to Melissa Neiman reporting on same.	MRK	0.75	600.00	450.00	
09/22/11	Telephone call with Michelle Zingaro discussing case status, communications with defendant; review court's order on unsealing; prepare email to Melissa Neiman and Rick Drummond discussing Court's order; prepare email to Texas AG discussing same.	MRK	0.75	600.00	450.00	
09/27/11	Review email from Michelle Zingaro discussing case status; prepare email to Rick Drummond reporting on case status.	MRK	0.33333	600.00	200.00	
10/03/11	Review email from Rick Drummond discussing case status and respond.	MRK	0.08333	600.00	50.00	
10/19/11	Review email from Rick Drummond seeking information on case status; telephone call with Dick Nicholson regarding status of press release discussing government's intervention in case and complaint in intervention.	MRK	0.16667	600.00	100.00	
10/20/11	Prepare email to Rick Drummond reporting on call with Dick Nicholson; review Drummond response; telephone call with Drummond discussing litigation strategy and likely timing of future events.	MRK	0.66667	600.00	400.00	
11/18/11	Review USG draft complaint in intervention received from Michelle Zingaro; prepare email to defense counsel seeking agreement to accept service of the relator's complaint.	MRK	1.08333	600.00	650.00	
11/21/11	Prepare emails serving relator's complaint on Best Care and Magareh; review government's final complaint in intervention and related attachments.	MRK	0.75	600.00	450.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
11/22/11	Exchange emails with counsel discussing status of relator's complaint; review email from Rick Drummond discussing his review of government's complaint; prepare response; review government's press release; prepare email to Drummond discussing same.	MRK	0.66667	600.00	400.00	
11/28/11	Conference call with Melissa Neiman, Michelle Zingaro and Dick Nicholson discussing case strategy and work to be done to move case forward.	MRK	1.5	600.00	900.00	
11/29/11	Review Court's order regarding pretrial conference; review rules relevant to initial disclosures; prepare email to Melissa Neiman discussing same and providing sample disclosures.	MRK	0.66667	600.00	400.00	
12/01/11	Telephone call with Rick Drummond discussing background information on defendants' counsel and potential sale of BestCare.	MRK	0.33333	600.00	200.00	
12/02/11	Review email from Bill Gould discussing allegations that relator is publicizing the case to defendants' customers; telephone call with Melissa Neiman discussing same.	MRK	0.25	600.00	150.00	
12/03/11	Draft initial disclosures	MN	4	500.00	2,000.00	
12/03/11	Prepare email to Rick Drummond discussing defendants' allegations that he is improperly publicizing case to customers.	MRK	0.25	600.00	150.00	
12/04/11	Telephone call with Rick Drummond and Melissa Neiman discussing background on defendants' allegations that Drummond is slandering defendants; review draft of initial disclosures; research effect of government intervention on relator's identical complaint; prepare email to Dick Nicholson and Michelle Zingaro discussing options for amending relator's complaint.	MRK	2.25	600.00	1,350.00	
12/05/11	Prepare email to Gould seeking additional information regarding allegation that relator is publicizing the case to defendants' customers; telephone call with Dick Nicholson discussing status of relator's non-intervened claims, court's order to produce "principal documents" and defendants complaints about relator publicizing the case; review draft initial disclosures prepared by Melissa Neiman; prepare email to Neiman discussing timing of disclosures and revisions to same; prepare draft stip regarding relator's complaint and circulate for comment among co-counsel.	MRK	3.75	600.00	2,250.00	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
12/06/11	Telephone call with Susan Aranella discussing State of Texas involvement and status of case; prepare email to Aranella providing copies of relevant documents; exchange emails with Dick Nicholson discussing proposed stipulation governing operative complaint; review Nicholson's revisions to stipulation; revise stipulation and forward to counsel for approval.	MRK	1.5	600.00	900.00	
12/08/11	Conf. call w/ DOJ and Attys for defendants.	MN	1	500.00	500.00	
12/08/11	Telephone call with Susan Aranella discussing Texas's decision to decline intervention because Medicaid does not reimburse mileage; review email from Michelle Zingaro discussing potential witness Frances Hernandez; conference call with defendants and government counsel discussing a variety of issues, including status of relator's complaint, motion to dismiss, issues in dispute, principal documents, protective order and discovery deadlines.	MRK	1.5	600.00	900.00	
12/09/11	Exchange emails with defense and government counsel with respect to proposed stipulation regarding the status of relator's complaint; finalize stipulation and file with Court; prepare email serving stipulation on all counsel of record.	MRK	1	600.00	600.00	
12/12/11	Cursory review of defendants' motion to dismiss; prepare email to Rick Drummond discussing same.	MRK	0.33333	600.00	200.00	
12/13/11	Prepare email to Rick Drummond and Melissa Neiman discussing Texas decision to decline intervention; exchange emails with Dick Nicholson discussing common interest agreement with government; review information provided by Drummond relating to relevant regulations.	MRK	0.75	600.00	450.00	
12/14/11	Extended telephone call with Michelle Zingaro discussing arguments in defendants' motion to dismiss; prepare email to Zingaro forwarding same; review Order from Court rescheduling conference; prepare email to co-counsel forwarding Court's order.	MRK	1.08333	600.00	650.00	
12/15/11	Prepare draft stipulation regarding extension of time for plaintiffs to respond to motion to dismiss; email draft to co-counsel for review.	MRK	0.66667	600.00	400.00	
12/16/11	Revise draft stip on extension of time for response to motion to dismiss; prepare email to defense counsel seeking approval of stip.	MRK	0.16667	600.00	100.00	
12/19/11	Finalize memorandum of understanding extending plaintiff's time for response to motion to dismiss; prepare email to all counsel serving filed copy of same.	MRK	0.33333	600.00	200.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
12/21/11	Review case law pertaining to defendants' expected estoppel/government knowledge defense and prepare email to co-counsel discussing same.	MRK	0.33333	600.00	200.00	
01/03/12	Conference call with Melissa Neiman, Dick Nicholson and Michelle Zingaro to review strategy for responding to motion to dismiss; telephone call with Melissa Neiman discussing additional research to support Nicholson's draft.	MRK	0.83333	600.00	500.00	
01/05/12	Begin review of draft opposition to motion to dismiss; prepare email to co-counsel discussing 5th Circuit views on implied certification and discussion of Steury decision.	MRK	1.41667	600.00	850.00	
01/06/12	Telephone call with Melissa Neiman discussing need to research express and implied certification issues; perform legal research of relevant 5th Circuit case law .	MRK	1.33333	600.00	800.00	
01/07/12	Review government's draft response to motion to dismiss; analyze various aspects of draft, comparing it to defendants' motion and complaint in intervention; begin revising draft response.	MRK	3.25	600.00	1,950.00	
01/08/12	Complete wholesale revision of government's draft response to the motion to dismiss; prepare email to co-counsel discussing revised draft.	MRK	3.75	600.00	2,250.00	
01/09/12	Telephone call with Melissa Neiman discussing certification issues raised in defendants motion to dismiss; review legal research relating to certification issues; prepare email to co-counsel discussing same and proposing text for inclusion in response to motion to dismiss.	MRK	1.75	600.00	1,050.00	
01/10/12	Review multiple emails from Dick Nicholson discussing various aspects of response to motion to dismiss; respond to same; telephone call with Michelle Zingaro regarding relation back argument; research FCA relation back language and effect of 2009 amendments; prepare email to Zingaro discussing same; review and revise new draft of response received from Zingaro; prepare email to co-counsel circulating edits to revised draft; prepare relator's draft response to motion to dismiss; prepare email to Melissa Neiman seeking comments on relator's response.	MRK	3.25	600.00	1,950.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
01/11/12	Confer with co-counsel regarding service issues relating to defense counsel not on ECF system; circulate email to defendants seeking agreement on method of service; telephone call with Melissa Neiman regarding relator's draft response to motion to dismiss; prepare email to Michelle Zingaro and Dick Nicholson seeking comments on relator's response; revise relator's response and finalize for filing.	MRK	2.5	600.00	1,500.00	
01/18/12	Review case documents and pending motion to dismiss materials in preparation for conference before Judge Hughes; participate in conference with the Court; meeting with Melissa Neiman and Michelle Zingaro after conference to discuss discovery and summary judgment strategy.	MRK	3.75	600.00	2,250.00	
01/26/12	Review recent decision discussing a defendant's waiver/estoppel defense to FCA liability; prepare email to co-counsel discussing same.	MRK	0.33333	600.00	200.00	
01/31/12	Review defendants reply in connection with the motion to dismiss; prepare email to Rick Drummond discussing same.	MRK	0.41667	600.00	250.00	
06/06/12	Review Court's order denying defendants motion to dismiss; prepare email to Rick Drummond discussing same.	MRK	0.25	600.00	150.00	
06/07/12	Conference call with government counsel discussing denial of motion to dismiss and next steps.	MRK	0.33333	600.00	200.00	
06/13/12	Extended telephone call with government counsel and investigators to discuss strategy for moving case forward.	MRK	1.16667	600.00	700.00	
06/20/12	Review email from Rick Drummond discussing case status; prepare lengthy email to Drummond discussing litigation strategy and motion for summary judgment that is being prepared.	MRK	0.33333	600.00	200.00	
07/05/12	Review disclosure obligations under Rule 26; conference call with Dick Nicholson and Melissa Neiman discussing how to proceed in light of defendants' answer and court's conference; telephone call with Neiman dividing responsibilities for legal research; research availability of CID materials to relators' counsel; prepare email to Nicholson discussing research on CID materials.	MRK	1.25	600.00	750.00	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
07/18/12	Rule 26 Conference with defendants discussing discovery plan and means of getting case prepared for trial; conference before Judge Hughes discussing progression of case; post-conference meeting with government counsel and Melissa Neiman to discuss strategy for moving case forward; transport Dick Nicholson to airport [time not billed].	MRK	3	600.00	1,800.00	
07/18/12	Conference with Mark Armstrong, Michelle Zingaro, Dick Nicholson and Mitch Kreindler. Conference with Judge Hughes. Post conference discussion with Michelle Zingaro, Mitch Kreindler and Dick Nicholson.	MN	3	500.00	1,500.00	
07/19/12	Review email from Rick Drummond; prepare email to Drummond discussing our summary judgment strategy and status of the case; telephone call with Melissa Neiman discussing same and Judge Hughes' order scheduling the next conference.	MRK	0.66667	600.00	400.00	
07/20/12	Review and analyze CID deposition of Karim Magareh; begin to review Medicare claims data received from government.	MRK	3.5	600.00	2,100.00	
07/24/12	Analyze data spreadsheets received from Linda Evans; review email from Michelle Zingaro proposing motions strategy.	MRK	1.33333	600.00	800.00	
08/07/12	Review motion for summary judgment filed by the government; prepare email to Rick Drummond discussing same.	MRK	1.25	600.00	750.00	
08/09/12	Telephone call with Rick Drummond discussing motion for partial summary judgment and review of defendant's deposition testimony.	MRK	0.58333	600.00	350.00	
08/10/12	Review emails exchanged between defense counsel and Michelle Zingaro discussing conditions for continuing conference with court; extended telephone call with Zingaro discussing same and strategy for advancing settlement and reducing claims to judgment.	MRK	1.16667	600.00	700.00	
08/11/12	Review USG and defendants initial disclosures; prepare email to Melissa Neiman discussing finalizing relator's initial disclosures.	MRK	0.33333	600.00	200.00	
08/13/12	Status Conference at Federal Courthouse with Judge Hughes, AUSA Michelle Zingaro and defense counsel Mark Armstrong, Bill Gould and Dan Gospin	MN	1	500.00	500.00	
08/14/12	Review email from Michelle Zingaro recounting results of Aug. 13 hearing before Judge Hughes; telephone call with Melissa Neiman discussing same; exchange emails with Michelle Zingaro discussing DOJ's review of defendants' finances and strategy for summary judgment.	MRK	0.58333	600.00	350.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
08/25/12	Revision of Relator's Initial Disclosure	MN	1.5	500.00	750.00	
08/27/12	Discussion with Mitch Kreindler regarding changes to Relator's Initial Disclosure; Formatting Changes to Disclosure and final content revisions.	MN	1	500.00	500.00	
08/27/12	Revise draft initial disclosures; prepare email to Melissa Neiman discussing same.	MRK	0.83333	600.00	500.00	
08/28/12	Telephone call with Dick Nicholson discussing status of case and strategy for moving forward.	MRK	0.75	600.00	450.00	
08/30/12	Cursory review of defendants' response to motion to dismiss; prepare email to Rick Drummond discussing same.	MRK	0.33333	600.00	200.00	
08/31/12	Review and analyze defendants response to motion for summary judgment; review emails from Rick Drummond discussing same; prepare email to Drummond discussing defendants' response; prepare email to co-counsel suggesting conference call to discuss motion for summary judgment; exchange emails with Dick Nicholson discussing points for response in a reply brief.	MRK	2.75	600.00	1,650.00	
09/07/12	Conference call with Mitch Kreindler, Dick Nicholson, Michelle Zingaro including discussion of the response to MSJ and preparation of interrogatories.	MN	1.5	500.00	750.00	
09/07/12	Conference call with Michelle Zingaro, Dick Nicholson and Melissa Neiman discussing response to defs motion for summary judgment brief, OSIG position on exclusion and ability-to-pay review; telephone call with Neiman discussing preparation of discovery requests; review revised draft brief and prepare email to Michelle Zingaro discussing same.	MRK	1.75	600.00	1,050.00	
09/10/12	Review of CIDs of Dr. Karim Maghareh and Kari McIntire and first draft of Interrogatories.	MN	6	500.00	3,000.00	
09/12/12	Review reply brief responding to defendants response to 'air miles' motion for summary judgment; prepare email to Rick Drummond discussing same; review email from Drummond regarding status of case and respond.	MRK	0.75	600.00	450.00	
09/14/12	Review and revise draft interrogatories prepared by Melissa Neiman; prepare email to Neiman discussing revisions.	MRK	0.41667	600.00	250.00	
10/04/12	Review list of discovery requests prepared by Melissa Neiman; revise same and formulate additional requests; prepare email to Neiman discussing proposed changes and related issues; telephone call with Michelle Zingaro discussing case status and DOJ's review of BestCare financials.	MRK	1.33333	600.00	800.00	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
10/08/12	Work on drafts of the request for documents and interrogatories.	MN	2	500.00	1,000.00	
10/10/12	Review and revise draft interrogatories and document requests prepared by Melissa Neiman; prepare email to Neiman discussing suggestions and revisions.	MRK	1.16667	600.00	700.00	
10/17/12	Conference call with Mitch Kreindler, Richard Nicholson, and Michelle Zingaro to discuss revisions of Request for Documents and Interrogatories	MN	2	500.00	1,000.00	
10/17/12	Revisions of interrogatories and request for document production to included changes suggested by Michelle Zingaro and Richard Nicholson.	MN	0.5	500.00	250.00	
10/17/12	Discussion with relator Rick Drummond to update him on the status and progress of the case. Also discussed information requested by the government regarding availability of lab service other than BestCare in various cities. Preparation of an email to Mitch Kreindler, Michelle Zingaro and Richard Nicholson detailing the various labs in the major Texas cities.	MN	1	500.00	500.00	
10/17/12	Extended telephone call with Michelle Zingaro, Dick Nicholson and Melissa Neiman discussing status of case, strategic issues and specific discovery requests; telephone call with Rick Drummond reporting on call with government and discussing BestCare's potential value at sale.	MRK	2	600.00	1,200.00	
10/19/12	Review lengthy email from Dick Nicholson discussing additional interrogatories; review and revise draft discovery requests prepared by Melissa Neiman; prepare email to Neiman discussing revisions to interrogatories and document requests.	MRK	1.25	600.00	750.00	
10/21/12	Final review of draft interrogatories and document requests; revise draft interrogatories; prepare email to Melissa Neiman discussing rog revisions.	MRK	0.5	600.00	300.00	
10/29/12	Exchange multiple emails with Michelle Zingaro discussing BestCare's current billing for travel codes.	MRK	0.25	600.00	150.00	
11/02/12	Exchange multiple emails with government counsel discussing defendants motion for alternate dispute resolution and discovery requests.	MRK	0.5	600.00	300.00	
11/26/12	Review requests for admissions served by defendants on government; prepare email to Michelle Zingaro, Dick Nicholson, and Melissa Neiman discussing same and circulating electronic version; telephone call with Zingaro discussing content of admissions, court's recent order and strategy for response.	MRK	0.75	600.00	450.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
11/30/12	Conference call with Government regarding Discovery; Phone call to Dr. Drummond to update him regarding Judge's denial of mediation, plan for Discovery and Government's investigation of Defendants' financial information.	MN	1	500.00	500.00	
11/30/12	Conference call with Michelle Zingaro, Melissa Neiman and Dick Nicholson discussing strategy for dealing with defendants' discovery requests and status of 'ability to pay' financial review; follow up call with Neiman regarding need to contact client with update.	MRK	1	600.00	600.00	
01/04/13	Review discovery requests served by defendants on relator; prepare email to Melissa Neiman discussing same.	MRK	0.33333	600.00	200.00	
01/17/13	Telephone conference with the Relator regarding documents he has related to BestCare. Discussion of responses for defense's request for production of documents.	MN	0.5	500.00	250.00	
01/18/13	Preparation of first draft of relator's response to defense's request for production of documents.	MN	1	500.00	500.00	
01/22/13	Telephone conference with Mitch Kreindler to discuss the second draft of the Relator's response to defendants' request for production including changes, creating of a log of documents to provide and a log of withheld documents.	MN	0.5	500.00	250.00	
01/22/13	Preparation of separate logs and tables of responsive documents and withheld documents for Relator's Response to Def. Request for Production of Documents.	MN	1.5	500.00	750.00	
01/22/13	Telephone call with Melissa Neiman discussing response to defendants discovery requests.	MRK	0.5	600.00	300.00	
01/25/13	Telephone call with Mitch Kreindler to discuss final revisions for Relator's response to defendants' request for production of documents and revisions/additions to log/table of withheld documents.	MN	0.5	500.00	250.00	
01/25/13	Revise draft response to requests for production of documents; telephone call with Melissa Neiman discussing additional revisions to relator's responses to defendants discovery requests.	MRK	0.83333	600.00	500.00	
01/27/13	Finalize responses to defendants request for production of documents; prepare email serving same on counsel of record.	MRK	0.66667	600.00	400.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
01/29/13	Telephone conference with Mitch Kreindler, Michelle Zingaro and Dick Nicholson regarding Judge's order to stay discovery and implications on document production, dates for mediation, and planning for mediation.	MN	0.75	500.00	375.00	
01/29/13	Phone call to Rick Drummond to discuss dates for mediation and goals of mediation.	MN	0.25	500.00	125.00	
01/29/13	Telephone call with Melissa Neiman, Michelle Zingaro and Dick Nicholson to discuss strategy for mediation, framework for possible settlement, discovery issues and government's financial hardship review of BestCare's finances; exchange emails with Mark Armstrong discussing Court's discovery stay; exchange emails with government counsel discussing same.	MRK	1.25	600.00	750.00	
01/30/13	Telephone call with Michelle Zingaro and Dick Nicholson discussing production of existing discovery to defendants and timing for mediation; exchange emails with government counsel discussing strategy relating to production of documents and possible mediation dates.	MRK	0.66667	600.00	400.00	
01/31/13	Exchange emails with Michelle Zingaro discussing mediation arrangements; prepare email to Rick Drummond discussing date for mediation; prepare documents for production to defendant; prepare email to defendants describing document production; revise privilege log; prepare email to Melissa Neiman discussing log.	MRK	2.5	600.00	1,500.00	
02/07/13	Finalize log of withheld documents; prepare email to Mark Armstrong discussing production of log.	MRK	0.33333	600.00	200.00	
02/08/13	Conf. call with Dr. Drummond and Mitch Kreindler to discuss goals of mediation, Dr. Drummond's concerns and preparation for mediation.	MN	1	500.00	500.00	
02/08/13	Telephone call with Melissa Neiman and Rick Drummond discussing case status and preparation for mediation; prepare email to Michelle Zingaro seeking additional review of BestCare billings; exchange emails with Zingaro discussing parameters for same.	MRK	1.75	600.00	1,050.00	
02/11/13	Exchange emails with Dick Nicholson and Michelle Zingaro discussing approach to mediator; review emails and documents forwarded by Zingaro to mediator; telephone call with Melissa Neiman discussing same.	MRK	0.5	600.00	300.00	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
02/12/13	Review email from Michelle Zingaro requesting information from Rick Drummond regarding details behind his estimates of "average" lab revenues; extended telephone call with Drummond discussing same; prepare email to Zingaro responding to her inquiry; review email exchange between Mark Armstrong and Zingaro discussing production of documents; review emails from Dick Nicholson seeking information relating to defendants' production responsibilities with respect to documents identified in the Initial Disclosures; review FRCP and local rules to obtain response to Nicholson inquiry; prepare email responding to Nicholson.	MRK	2.75	600.00	1,650.00	
02/15/13	Draft, revise and finalize letter to mediator Suzanne Johnson discussing case background and considerations for mediation; prepare email to Melissa Neiman discussing same.	MRK	1.5	600.00	900.00	
02/20/13	Review pleadings, notes and correspondence in preparation for mediation.	MRK	2.25	600.00	1,350.00	
02/21/13	Court-ordered mediation with Suzanne Johnson; meetings with co-counsel and client to discuss case strategy and factual issues.	MRK	9	600.00	5,400.00	
02/21/13	Mediation from 9am-6pm.	MN	9	500.00	4,500.00	
02/28/13	Prepare draft response to Mark Armstrong's letter discussing several discovery issues; review withheld documents that are subject of letter; telephone call with Rick Drummond discussing withheld documents; prepare email to co-counsel seeking review of draft response.	MRK	0.83333	600.00	500.00	
03/01/13	Prepare email to Rick Drummond sharing letter report to mediator; prepare ADR report and circulate to co-counsel for comment; finalize response to Mark Armstrong's 2/26 letter.	MRK	1.75	600.00	1,050.00	
03/07/13	Revise and finalize draft ADR Memorandum for submission to the ADR Administrator on behalf of all parties; prepare email to transmitting memorandum; telephone call with Rick Drummond discussing completion of his ADR Questionnaire; prepare email to ADR Administrator returning completed ADR Questionnaires for Melissa Neiman, Mitch Kreindler and Drummond.	MRK	0.75	600.00	450.00	
04/22/13	Exchange emails with Rick Drummond discussing status of case.	MRK	0.25	600.00	150.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
04/26/13	Phone conf. with relator to review likely types of analyzers and testing equipment at various sites, review of most commonly performed tests. Compilation of this information into an outline and a table for the government.	MN	2.5	500.00	1,250.00	
04/29/13	Discussion with relator to review information for the government: commonly performed NH tests, tests commonly sent out to outside labs, revise outline to include additional tests, and revise outline to include additional information about machines used for testing.	MN	0.75	500.00	375.00	
04/29/13	First draft of Motion to Lift Discovery Stay including review of Motion to Stay, dates of filings of Motions in the case.	MN	1	500.00	500.00	
04/30/13	Conference call with AUSA Michelle Zingaro, Mitch Kreindler, and Dick Nicholson (US DOJ) regarding Motion to Lift Stay, discovery requests, individuals to interview regarding their knowledge of BestCare.	MN	0.75	500.00	375.00	
04/30/13	Review email from Michelle Zingaro reporting on claims data relating to each Best Care lab; analyze Best Care data provided by Zingaro; conference call with government counsel discussing need to lift discovery stay and required discovery.	MRK	1.41667	600.00	850.00	
04/30/13	Conference call with government discussing discovery issues; review Linda Evans data regarding Best Care satellite lab testing; telephone call with Rick Drummond reporting on call.	MRK	1.16667	600.00	700.00	
05/01/13	Review and revise draft motion to lift discovery stay prepared by Melissa Neiman; research court's orders and case history; prepare email to Neiman discussing revisions to draft motion.	MRK	1	600.00	600.00	
05/01/13	Revision of draft for Motion to Lift Discovery Stay with changes to history of the case, certificate of service and additions to reasons to lift stay.	MN	0.75	500.00	375.00	
05/09/13	Additional revisions to proposed motion to lift stay; prepare email to Melissa Neiman discussing same.	MRK	0.33333	600.00	200.00	
06/13/13	Exchange emails with government counsel discussing request for conference with the court; review email exchange with defendants discussing same.	MRK	0.33333	600.00	200.00	
07/18/13	Review email from Mark Armstrong discussing desire to contact court to schedule pretrial conference; telephone call with Michelle Zingaro discussing same; telephone call with Rick Drummond apprising him of development; participate in conference call with Court's case manager.	MRK	0.5	600.00	300.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
07/21/13	Review emergency motion and exhibits filed by Mark Armstrong seeking conference with the court; prepare lengthy email Armstrong objecting to his falsely asserting that relator assented to motion; exchange emails with Rick Drummond discussing same.	MRK	1.25	600.00	750.00	
07/23/13	Review court's order setting conference; prepare email to Melissa Neiman and Rick Drummond discussing same; prepare email to Michelle Zingaro discussing hearing.	MRK	0.5	600.00	300.00	
08/08/13	Conference with Judge Hughes, Michelle Zingaro, Daniel Hu, and defense counsel regarding damages and obtaining a representative sample of travel mileage. After the conference meeting with Ms. Zingaro and Mr. Hu on obtaining the statistical data. Subsequent phone conference with Mr. Kreindler, who was out of town, to update him on the content of the conference with the Judge and the actions to be taken.	MN	2	500.00	1,000.00	
08/16/13	Review emails exchanged between government and defendants; review transcript of 8/8 hearing received from Michelle Zingaro.	MRK	0.83333	600.00	500.00	
08/22/13	Telephone call with Rick Drummond discussing case status and options for claim audit.	MRK	0.33333	600.00	200.00	
09/04/13	Review extensive email exchange between defendants and government.	MRK	0.25	600.00	150.00	
09/12/13	Revise draft status report and circulate to co-counsel.	MRK	0.33333	600.00	200.00	
09/13/13	Exchange emails with government discussing Best Care Stat sample and recommendation for pursuing damages.	MRK	0.41667	600.00	250.00	
09/16/13	Review and analyze Dick Nicholson's memo and supporting documentation regarding calculation of prorated mileage for one day; review and revise draft status report to court; prepare email to Michelle Zingaro discussing same; telephone call with Zingaro discussing revisions to report and review of mileage calculations; review report and exhibits as filed; prepare email to Rick Drummond discussing status report and status of case.	MRK	2.25	600.00	1,350.00	
09/17/13	Analyze figures provided by Linda Evans; email co-counsel discussing agreement but with revised figures.	MRK	0.91667	600.00	550.00	
09/18/13	Conference call with government and opposing counsel discussing proration methodology and documents produced by defendants; exchange emails with government counsel discussing proration calculations and sample document review.	MRK	1.5	600.00	900.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
09/19/13	Review dozens of emails from Dick Nicholson, Linda Evans and Michelle Zingaro discussing review of sample beneficiary documents; review emails from Nicholson discussing strategy for responding to motion for summary judgment; prepare email to government counsel responding to Nicholson suggestions and document review issues.	MRK	1.33333	600.00	800.00	
09/20/13	Extended telephone call with Michelle Zingaro and Dick Nicholson regarding summary judgment strategy, response to defendant's motion for summary judgment, discovery and review of sample beneficiary documents.	MRK	1.5	600.00	900.00	
09/23/13	Review email correspondence regarding method for performing document review and proration analysis; perform analysis of phlebotomist logs and client demographic sheets produced by Best Care to identify appropriate proration calculations for sample beneficiaries 201-225; annotate documents reviewed; prepare spreadsheet to reflect conclusions.	MRK	4	600.00	2,400.00	
09/24/13	Perform analysis of phlebotomist logs and client demographic sheets produced by Best Care to identify appropriate proration calculations for sample beneficiaries 226-250; annotate documents reviewed; prepare spreadsheet to reflect conclusions; prepare email to Linda Evans and Michelle Zingaro discussing same.	MRK	3.25	600.00	1,950.00	
09/25/13	Telephone call and email exchange with Linda Evans discussing proration analysis and missing data; revise information reported for sample beneficiaries 201-250 by collecting additional data from produced documents; revise spreadsheet and transmit to Evans.	MRK	1.5	600.00	900.00	
09/26/13	Preparation for hearing before Judge Hughes (review pending motions and related documents); telephone call with Michelle Zingaro and Dan Hu discussing preliminary results of proration analysis on statistical sample and strategy for hearing; participate in hearing before Judge Hughes; post-hearing conversation with Mark Armstrong regarding deposition scheduling and settlement discussions; post-hearing conference with Zingaro and Hu regarding summary judgment strategy; extended telephone call with Rick Drummond reporting on hearing and strategy for moving case forward.	MRK	4.25	600.00	2,550.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
10/01/13	Review emails between defendants and government; prepare email to co-counsel discussing impact on statistical sample; prepare email to Rick Drummond reporting on collapse of settlement negotiations and deposition dates; telephone call with Dick Nicholson discussing statistical sampling issues.	MRK	1.16667	600.00	700.00	
10/02/13	Extended telephone call with Michelle Zingaro and Dick Nicholson re strategy for depositions and presentation of sample data; review sample data to devise mileage estimates; prepare email to Zingaro and Nicholson discussing same; telephone call with Zingaro discussing data issues.	MRK	2.75	600.00	1,650.00	
10/10/13	Review extensive emails re scheduling of depositions.	MRK	0.25	600.00	150.00	
10/11/13	Exchange emails with Rick Drummond discussing date for his deposition; prepare email to Mark Armstrong confirming same.	MRK	0.16667	600.00	100.00	
10/16/13	Telephone call with Dick Nicholson discussing concerns about data integrity.	MRK	0.33333	600.00	200.00	
10/28/13	Meeting with Rick Drummond to prepare for deposition; participate in deposition of Leigh Del Rio.	MRK	6.5	600.00	3,900.00	
10/29/13	Defend deposition of Richard Drummond; debriefing meeting with Dr. Drummond; participate in depositions of Brook Kamholz Clark.	MRK	5.75	600.00	3,450.00	
10/30/13	Participate in deposition of Martha Sharali.	MRK	3	600.00	1,800.00	
10/31/13	Participate in depositions of Michelle Belmarez and Barbara Franco.	MRK	3.5	600.00	2,100.00	
11/05/13	Confer with Michelle Zingaro en route to Dallas regarding deposition of Dean Richardson; lunch with Zingaro and Richardson to discuss his deposition; participate in Richardson deposition; telephone call with Melissa Neiman discussing results of Richardson deposition and other depositions taken over the past week; debriefing conversation with Zingaro during return travel to Houston.	MRK	10	600.00	6,000.00	
11/09/13	Review and analyze the government's recently-filed motion for summary judgment.	MRK	0.75	600.00	450.00	
11/13/13	Prepare email to Drummond with instructions for review of his deposition transcript; prepare email to co-counsel circulating transcript.	MRK	0.16667	600.00	100.00	
11/14/13	Review Rick Drummond's deposition transcript; prepare email to Drummond discussing same.	MRK	1.16667	600.00	700.00	
11/15/13	Deposition of accounting expert for US Mr. Michael Petrone	MN	3	500.00	1,500.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
11/19/13	Review email from Michelle Zingaro seeking information regarding documents that would identify location of testing laboratory; telephone call with Rick Drummond discussing same; prepare email to Zingaro discussing test performed on quick turnaround basis and formulation of specific document requests; research BestCare's CLIA numbers and prepare email providing them to Zingaro.	MRK	0.66667	600.00	400.00	
11/23/13	Review defendants' opposition to motion for partial summary judgment and defendants' motion for summary judgment; prepare email to Rick Drummond discussing same.	MRK	1.25	600.00	750.00	
12/03/13	Review draft reply brief prepared by Michelle Zingaro regarding USG's pending motion for summary judgment on overpayments; extensive email discussion with Dick Nicholson and Zingaro regarding use of Maghareh CID testimony; extended telephone call with Zingaro, reviewing exhibits produced by BestCare, Richardson deposition transcript and strategizing on how to oppose defendants' pending motion for summary judgment.	MRK	2.25	600.00	1,350.00	
12/06/13	Review emails discussing draft response to pending MSJ; review Barbara Franco testimony; prepare email to government suggesting revisions based on Franco testimony; reviewed and revised draft response; prepare email to Rick Drummond providing copy of filed response.	MRK	2.66667	600.00	1,600.00	
12/10/13	Telephone call with Rick Drummond discussing deposition testimony; review Drummond depo transcript; prepare email to Rick Drummond and Melissa Neiman discussing decision to forego any changes to transcript.	MRK	1.16667	600.00	700.00	
12/11/13	Review and edit Michelle Zingaro's first draft response and cross-motion regarding defendant's motion for summary judgment; prepare email to government counsel discussing thoughts on draft brief; review and annotate Brooke Kamholz Clark deposition transcript to identify testimony for draft brief; exchange emails with Judith Cardona and Zingaro to obtain copy of Kari McIntyre deposition transcript.	MRK	2.75	600.00	1,650.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
12/12/13	Extensive work researching and drafting government's response to defendants' pending motion for summary judgment; telephone calls with Michelle Zingaro discussing various issues relating to response and cross-motion for summary judgment; review multiple emails from Zingaro and Dick Nicholson discussing content for draft briefs.	MRK	7.75	600.00	4,650.00	
12/13/13	Telephone call with Michelle Zingaro and Dick Nicholson discussing strategy for responding to BestCare motion for summary judgment; review and edit revised version of draft response to motion for summary judgment; prepare email to Zingaro discussing edits; review additional draft and return further edits; telephone call with Michelle Zingaro discussing final draft; revise portion of draft response to incorporate cites to factual materials.	MRK	3.75	600.00	2,250.00	
12/24/13	Review defendants' reply brief on their pending motion to dismiss; review defendants' surreply to government's motion for summary judgment; prepare email to Rick Drummond discussing same.	MRK	1.08333	600.00	650.00	
01/08/14	Extended telephone call with government counsel and Melissa Neiman discussing summary judgment strategy for obtaining an FCA judgment; telephone call with Neiman dividing labor to prepare motion for summary judgment regarding miles not traveled.	MRK	2	600.00	1,200.00	
01/08/14	10:00-11:30-Conf. call discussion with Michelle Zingaro, Mitch Kreindler, Dick Nicholson and Daniel Hu to discuss drafting of motion.	MN	1.5	500.00	750.00	
01/10/14	Review and analyze deposition transcripts for all former BestCare employees with respect to untraveled roundtrip mileage.	MRK	3.5	600.00	2,100.00	
01/16/14	WestLaw search case law for motion-billing for services not rendered.	MN	2	500.00	1,000.00	
01/22/14	Complete review of Maghareh and McIntyre CID depositions with regard to return portion of roundtrip miles billed; begin outlining motion for summary judgment.	MRK	2.25	600.00	1,350.00	
01/26/14	Review case law regarding factual falsity; review emails from and research performed by Melissa Neiman; draft outline for motion for summary judgment limited to false mileage claims; prepare email to government co-counsel discussing motion outline; prepare email to Neiman seeking comment on draft email and motion outline.	MRK	2.5	600.00	1,500.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
01/27/14	Finalize lengthy analysis of factual falsity relating to Best Care's 'roundtrip' claims; prepare email to government discussing same.	MRK	0.33333	600.00	200.00	
02/04/14	Review and comment on draft motion for summary judgment relating to pre-Dean and untraveled miles.	MRK	0.75	600.00	450.00	
02/24/14	Review Michelle Zingaro's draft motion for summary judgment on FCA claims.	MRK	0.5	600.00	300.00	
02/25/14	Analyze and edit Michelle Zingaro's draft motion for summary judgment.	MRK	2.75	600.00	1,650.00	
02/26/14	Extensive work analyzing and revising the government's draft FCA motion for summary judgment; prepare lengthy email to government counsel discussing revisions to draft and strategy for pursuing fraud judgment.	MRK	3.25	600.00	1,950.00	
02/28/14	Review spreadsheet data regarding mileage distribution of claims filed by defendants; prepare email to government discussing same; review testimony of former BestCare employees regarding timing of defendants' proration concerns.	MRK	1.25	600.00	750.00	
03/05/14	Review and revise Michelle Zingaro's revised draft of the FCA motion for summary judgment; prepare email to Zingaro discussing revisions.	MRK	2.25	600.00	1,350.00	
03/12/14	Review lengthy email from Dick Nicholson discussing current status of draft motion for summary judgment on FCA claims and revisions to same; review revised draft.	MRK	0.75	600.00	450.00	
04/07/14	Deposition of government auditor, Linda Evans, by defense.	MN	3	500.00	1,500.00	
04/11/14	Review defendants reply to motion for summary judgment; prepare email to Rick Drummond discussing same.	MRK	0.33333	600.00	200.00	
04/15/14	Review and prepare analysis of Best Care's reply to MSJ for FCA liability; review emails from government counsel; respond to government discussing suggested focus of anticipated reply brief.	MRK	1.08333	600.00	650.00	
04/17/14	Review draft response brief; prepare revision that focuses more on defendants' knowledge; prepare email to government proposing revised approach; review responses from Dick Nicholson and Michelle Zingaro.	MRK	2.5	600.00	1,500.00	
04/18/14	Review revised draft reply brief received from Michelle Zingaro and comments forwarded by Dick Nicholson; prepare email to discussing same; prepare email to Rick Drummond providing a copy of the final brief.	MRK	1.25	600.00	750.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
04/25/14	Review defendants' motion for summary judgment under the public disclosure bar; prepare email to Rick Drummond discussing same; review cases discussed by Dick Nicholson in email regarding the motion.	MRK	0.75	600.00	450.00	
04/30/14	Telephone call with Melissa Neiman discussing approach to opposition to motion for summary judgment on public disclosure grounds; review emails from Dick Nicholson and Michelle Zingaro discussing same; respond to emails.	MRK	0.83333	600.00	500.00	
04/30/14	Review of Defendants MSJ and exclude relator, West Law search for Public Disclosure Bar, start draft for response.	MN	8	500.00	4,000.00	
05/01/14	Review of depositions (Maghareh, Drummond), exhibits from past motions, WestLawNext case law research, drafting of response to defendants' motion, discussions with relator.	MN	9.5	500.00	4,750.00	
05/02/14	Review of case law, review of CMS regulations, drafting of response.	MN	6	500.00	3,000.00	
05/03/14	Review of case law, drafting of response.	MN	4.5	500.00	2,250.00	
05/04/14	Review of case law (direct/independent knowledge), completion of 1st Draft of response to defendants' MSJ (re: relator).	MN	7	500.00	3,500.00	
05/05/14	Extended telephone call with Michelle Zingaro, Dick Nicholson and Melissa Neiman discussing strategy for responding to public disclosure bar motion; telephone call with Neiman to follow up on call with government.	MRK	1.5	600.00	900.00	
05/05/14	Conf. call with Mitch Kreindler, Michelle Zingaro, and Richard Nicholson to discuss case law for use in response motion, points to address.	MN	1.5	500.00	750.00	
05/10/14	Extended telephone call with Melissa Neiman discussing revisions to draft opposition brief to defendants' motion to dismiss based on public disclosure.	MRK	0.75	600.00	450.00	
05/11/14	Research case law to add to response to defendants' MSJ regarding public disclosure; add public disclosure case law to draft; draft relator's affidavit	MN	6	500.00	3,000.00	
05/14/14	Review and begin planning revisions to Melissa Neiman's draft opposition to motion for summary judgment on public disclosure issues.	MRK	1.5	600.00	900.00	
05/15/14	research and revise and draft response to MSJ	SMG	3.16667	550.00	1,741.67	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
05/15/14	Re-write and re-work major portions of opposition to summary judgment on public disclosure grounds; review evidentiary documents and prepare objections to 'undisputed facts'; beef up citations to 5th circuit precedent and review related cases; streamline argument regarding 'allegations and transactions;' draft sections relating to 'based upon' and independent knowledge; draft discussion relating to limited nature of allegations; research prior and conflicting positions taken by defendants regarding documents serving as summary judgment evidence; proof and revise additional version of draft brief; extensively revise relator's declaration; prepare emails to co-counsel providing latest draft of brief and seeking comments; prepare email to Rick Drummond providing final copy of declaration for comment and signature.	MRK	10.25	600.00	6,150.00	
05/16/14	Review comments from Dick Nicholson regarding draft opposition to motion for summary judgment on public disclosure issues; extensive revisions to draft opposition to hone argument and tighten text; cite-check brief; verify quotations; review evidentiary documents; review citations to relator's declaration; telephone call with Rick Drummond discussing his declaration and status of opposition brief; finalize brief and file.	MRK	5.75	600.00	3,450.00	
05/27/14	Review defendants replies to motion for summary judgment on public disclosure issues.	MRK	0.75	600.00	450.00	
05/28/14	Research case law cited in defendants' reply briefs; prepare lengthy email co-counsel discussing defendants' misuse of case law.	MRK	1	600.00	600.00	
08/11/14	Exchange emails with Michelle Zingaro discussing efforts to overcome judicial delay.	MRK	0.16667	600.00	100.00	
08/21/14	Review decision by Judge Hughes granting summary judgment; prepare emails to co-counsel and Rick Drummond discussing same; two phone calls with Drummond discussing the decision and its implications.	MRK	1.75	600.00	1,050.00	
08/22/14	Exchange emails with government counsel discussing Court's summary judgment decision; telephone call with Melissa Neiman discussing same and strategy for proceeding.	MRK	0.75	600.00	450.00	
08/25/14	Telephone call with Daniel Hu discussing case developments regarding possible settlement; telephone call with Rick Drummond reporting on conversation with Hu; telephone call with Melissa Neiman reporting on conversation with Hu.	MRK	0.91667	600.00	550.00	



Invoice for Professional Services

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		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
08/25/14	Conf. call with OIG and DOJ attorneys regarding recent partial summary judgment, plans for recovering money from defendant.	MN	0.5	500.00	250.00	
08/26/14	Review defendants' supplemental response to motion for summary judgment; exchange emails with government counsel discussing strategy for responding; prepare email to Rick Drummond providing copy of response.	MRK	0.5	600.00	300.00	
08/29/14	Telephone call with Daniel Hu reporting on conversation with Mark Armstrong regarding parameters for possible ability-to-pay settlement.	MRK	0.25	600.00	150.00	
09/02/14	Telephone call with Rick Drummond reporting on conversation with Daniel Hu.	MRK	0.5	600.00	300.00	
09/03/14	Telephone call with Michelle Zingaro discussing status of settlement negotiations with defendants; research regarding business valuation analyst.	MRK	0.83333	600.00	500.00	
09/04/14	Extended telephone call with Rick Drummond discussing recent case developments.	MRK	0.5	600.00	300.00	
09/11/14	Extended telephone call with Rick Drummond discussing status of case and strategy for expediting collection efforts.	MRK	0.33333	600.00	200.00	
09/14/14	Continue revising draft motion for summary judgment to incorporate additional facts and comparisons between civil and criminal cases.	MRK	2.25	600.00	1,350.00	
09/16/14	Telephone call with government discussing strategy for pursuing settlement and/or options for moving case forward.	MRK	0.75	600.00	450.00	
09/21/14	Review and revise Rule 54 motion prepared by Michelle Zingaro seeking final judgment on common law claims; prepare email to government counsel describing suggestions for revision.	MRK	0.75	600.00	450.00	
09/30/14	Telephone call with Rick Drummond discussing status of case; prepare email to Michelle Zingaro seeking status of motion for partial final judgment; extended telephone call with Michelle Zingaro and Dick Nicholson discussing strategy for investigation of defendants' finances, settlement and Rule 54 motion; telephone call with Rick Drummond reporting on conversation with government.	MRK	0.75	600.00	450.00	
10/23/14	Extended telephone call with Rick Drummond discussing new developments relating to BestCare and legal strategy.	MRK	0.5	600.00	300.00	
11/03/14	Telephone call with Daniel Hu and Michelle Zingaro discussing government's ability-to-pay analysis.	MRK	0.41667	600.00	250.00	

Invoice for Professional Services

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		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
11/06/14	Telephone conference with Mitch Kreindler, Michelle Zingaro and Dick Nicholson in preparation for conference with defense attorney and in preparation for hearing with Judge Hughes.	MN	1.5	500.00	750.00	
11/06/14	Exchange emails with government counsel arranging strategic conference call; extended telephone call with Rick Drummond; telephone call with government counsel in preparation for hearing with the Court; telephone call with Drummond reporting on conversation with government.	MRK	2.75	600.00	1,650.00	
11/10/14	Phone conference with Michelle Zingaro, Richard Nicholson, Dan Hu, Dan Gospin and Mark Armstrong in preparation for hearing with Judge Hughes on 11/12/14.	MN	0.75	500.00	375.00	
11/10/14	Extended telephone call with defendants and government counsel in preparation for hearing with court and to discuss settlement options; follow up call with government counsel to discuss settlement strategy.	MRK	1	600.00	600.00	
11/11/14	Extended telephone call with Rick Drummond reporting on conversation with defendants, expectations for hearing with court and settlement discussions; prepare for hearing by reviewing parties' briefs and researching recently decided cases.	MRK	3.75	600.00	2,250.00	
11/12/14	Hearing before Judge Hughes relating to pending motions for summary judgment; participate in post-hearing settlement negotiation meeting with government and defense counsel.	MRK	2.75	600.00	1,650.00	
12/02/14	Review Michelle Zingaro memo discussing constructive trusts and defeating claims of exemption; prepare email to co-counsel discussing same.	MRK	0.66667	600.00	400.00	
12/03/14	Review research and extensive email correspondence between Michelle Zingaro and Dick Nicholson discussing constructive trusts and seeking to overcome Texas debtor exemptions.	MRK	0.83333	600.00	500.00	
12/04/14	Review government filing regarding Defendants' revenues; prepare email to Rick Drummond discussing same; telephone call with Drummond discussing revenue issues and effect of fraud on various types of Medicare insurance.	MRK	0.66667	600.00	400.00	
01/13/15	Telephone call with Rick Drummond discussing status of case.	MRK	0.16667	600.00	100.00	
01/15/15	Telephone call with Allen Townsend, attorney representing Orchard Software regarding possible manipulation of Best Care billing records.	MRK	0.75	600.00	450.00	



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Date	Description	Attorney	Time	Rate	Amount	
01/16/15	Telephone call with Rick Drummond reporting on call with Allen Townsend and discussing info he received about Best Care.	MRK	0.5	600.00	300.00	
01/28/15	Review notice of appearance filed by Haynes & Boone lawyers; telephone call with Michelle Zingaro discussing status of case and her conversation with Sean McKenna; telephone call with Melissa Neiman and Rick Drummond discussing case developments.	MRK	1.25	600.00	750.00	
03/05/15	Review email from Rick Drummond discussing case delay; telephone call with Melissa Neiman discussing same; telephone call with Michelle Zingaro discussing intent to contact court regarding pendancy of motion for summary judgment; follow up call with Zingaro and Dan Hu; telephone call with Sean McKenna discussing potential for settlement and creating environment to foster settlement; telephone call with Zingaro reporting on call with McKenna; telephone call with Dick Nicholson reporting on call with McKenna and his views on settlement counteroffer; prepare email to Zingaro reporting on conversation with Nicholson; telephone call with Drummond reporting on developments.	MRK	3.25	600.00	1,950.00	
03/09/15	Review email from Michelle Zingaro discussing status of settlement negotiations; prepare email to Rick Drummond discussing same.	MRK	0.16667	600.00	100.00	
03/25/15	Telephone call with Michelle Zingaro discussing possible settlement offer.	MRK	0.16667	600.00	100.00	
03/26/15	Telephone call with Rick Drummond reporting on call with Michelle Zingaro discussing potential settlement offer from defendants.	MRK	0.33333	600.00	200.00	
04/20/15	Exchange multiple emails with Rick Drummond discussing settlement issues and other concerns.	MRK	0.66667	600.00	400.00	
05/18/15	Telephone call with Michelle Zingaro reporting on settlement conversation with Sean McKenna, potential Best Care sale and outline for a potential deal.	MRK	0.58333	600.00	350.00	
06/05/15	Telephone call with Michelle Zingaro reporting on possible settlement developments, including recent call with Sean McKenna.	MRK	0.25	600.00	150.00	
06/10/15	Review defendants' motion for reconsideration of Maghareh personal liability; prepare email to Rick Drummond discussing same.	MRK	0.33333	600.00	200.00	
06/17/15	Extended telephone call with Dick Nicholson discussing strategies for moving case forward.	MRK	0.33333	600.00	200.00	
06/26/15	Review government response to defendants' motion for reconsideration; prepare email to Rick Drummond discussing same.	MRK	0.33333	600.00	200.00	



Invoice for Professional Services

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		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
06/27/15	Draft request for status conference.	MRK	0.41667	600.00	250.00	
07/09/15	Telephone call with Sean McKenna discussing position on request for status conference;	MRK	0.16667	600.00	100.00	
07/10/15	Revise, finalize and file motion for a status conference; prepare email to Rick Drummond discussing same.	MRK	0.33333	600.00	200.00	
08/18/15	Telephone call with Michelle Zingaro discussing OIG efforts to exclude defendants from Medicare.	MRK	0.16667	600.00	100.00	
08/25/15	Telephone call with Daniel Hu and Michelle Zingaro discussing possible sale of Best Care assets by defendants; telephone call with Rick Drummond seeking assistance in obtaining information about possible asset sale.	MRK	0.33333	600.00	200.00	
09/09/15	Exchange emails with Rick Drummond discussing status of request for conference.	MRK	0.16667	600.00	100.00	
10/15/15	Extended telephone calls with Rick Drummond discussing strategies for moving case forward; telephone call with Michelle Zingaro discussing same; prepare email to Court's case manager asking about status of motion for conference.	MRK	0.75	600.00	450.00	
11/03/15	Research standards applicable to partial final judgment under Rule 54(b); draft motion seeking to expedite decision on pending motions or obtain entry of partial final judgment; revise same; prepare email to government counsel discussing proposed motion; prepare email to Rick Drummond discussing same.	MRK	3.75	600.00	2,250.00	
11/05/15	Telephone call with government counsel discussing relator's proposed motion seeking to expedite case.	MRK	0.33333	600.00	200.00	
11/10/15	Exchange multiple emails with Mark Armstrong discussing Defendants' position regarding relator's motion for expedited decision or case management conference.	MRK	0.33333	600.00	200.00	
11/11/15	Revise draft motion for expedited decision or case management conference to incorporate government comments and Defendants' opposition; prepare filing; prepare email to Rick Drummond discussing same; review government's response to motion; prepare email to Drummond providing copy of government's response.	MRK	1.25	600.00	750.00	
12/01/15	Telephone call with Rick Drummond discussing government's filing in support of motion to expedite decisions; telephone call with Michelle Zingaro discussing status of exclusion efforts.	MRK	0.33333	600.00	200.00	
12/03/15	Telephone call with Joanne Francis at OIG seeking information relating to exclusion proceeding.	MRK	0.16667	600.00	100.00	



Invoice for Professional Services

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		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
12/08/15	Review defendants response to motion seeking expedited decision; prepare email to Rick Drummond discussing same.	MRK	0.25	600.00	150.00	
12/14/15	Telephone call with Michelle Zingaro discussing status of case.	MRK	0.16667	600.00	100.00	
01/27/16	Telephone call with Rick Drummond discussing status of case and options for obtaining ruling from Court.	MRK	0.5	600.00	300.00	
01/29/16	Telephone call with Michelle Zingaro discussing options for getting pending motions heard; research writs of mandamus for undue delay; prepare email to Zingaro summarizing results of research.	MRK	2.25	600.00	1,350.00	
02/17/16	Exchange emails with Michelle Zingaro discussing defendants' retention of new counsel; prepare email to Rick Drummond reporting on same; follow up telephone call with Drummond.	MRK	0.75	600.00	450.00	
02/18/16	Review defendants' motion to substitute counsel; prepare email to Mark Armstrong discussing motion's false representation regarding relator's position.	MRK	0.25	600.00	150.00	
03/01/16	Review Court's order to report re Paragon Trading; exchange multiple emails with government counsel discussing appropriate response to order; review Michelle Zingaro's draft response to Court; prepare email to Rick Drummond discussing same; telephone call with Drummond discussing status of case and strategic issues.	MRK	0.83333	600.00	500.00	
03/11/16	Review court's orders discussing production of financial records and setting hearing; prepare email to Rick Drummond discussing same.	MRK	0.25	600.00	150.00	
03/22/16	Telephone call with Eric Nichols regarding substitution as counsel in case; telephone call with Michelle Zingaro discussing status of case; telephone call with Doug Salisbury discussing availability for short-notice conference with Judge Hughes; telephone call with Rick Drummond discussing status conference with Judge Hughes.	MRK	0.75	600.00	450.00	
03/23/16	Review flings for pending motions and related materials; participate in lengthy hearing before Judge Hughes; telephone call with Rick Drummond reporting on hearing and strategizing about financial records to obtain from defendants.	MRK	4.5	600.00	2,700.00	
04/16/16	Review defendants' motion to enjoin exclusion proceeding; prepare email to Rick Drummond discussing same.	MRK	0.25	600.00	150.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
04/19/16	Review Court's order denying defendants' motion to enjoin; prepare email to Rick Drummond discussing same.	MRK	0.16667	600.00	100.00	
05/09/16	Review transcript from March hearing and Zingaro notes discussing same; analyze discovery produced by defendants; prepare letter to defendants discussing discovery deficiencies; finalize letter and forward to defendants; prepare email to Rick Drummond discussing letter.	MRK	2.5	600.00	1,500.00	
05/11/16	Conference call with government personnel to discuss preparation of "25 questions" as ordered by Court and response to defendants' deficient production; review case provided by Michelle Zingaro; telephone call with Rick Drummond reporting on call and response to Court's orders.	MRK	1.75	600.00	1,050.00	
05/12/16	Review materials produced by defendants; formulate additional possible questions relating to personal benefit received by defendants; research monetary value of AMEX reward points; prepare email to government counsel providing questions and other info.	MRK	1.25	600.00	750.00	
05/13/16	Extended telephone call with defendants' and government counsel discussing deficiencies in defendants' production of financial documents	MRK	0.5	600.00	300.00	
05/13/16	Prepare email to Rick Drummond seeking input on questions being posed to defendants; telephone call with defendants discussing discovery issues; review letter from defendants accusing Rick Drummond of defamation; prepare email to Rick Drummond discussing letter; review final questions submitted to defendants; telephone call with Drummond to discuss defendants' accusations.	MRK	2.16667	600.00	1,300.00	
05/17/16	Review multiple emails from Dick Nicholson discussing legal issues relating to unjust enrichment claims; telephone call with Daniel Hu discussing same; telephone call with Michelle Zingaro discussing outline for May 20 submission to court and issues raised by Nicholson; review various case filings relating to same.	MRK	1.75	600.00	1,050.00	
05/18/16	Exchange emails with Michelle Zingaro discussing aspects of motion on personal liability; research data available and respond to her request for information regarding thin industry profit margins; exchange multiple emails with government discussing proposed motion.	MRK	2.25	600.00	1,350.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
06/03/16	Review draft brief replying to defendants' opposition on issues of Maghareh personal liability; telephone call with Michelle Zingaro discussing same; draft information relating to defendants failure to provide requested info.	MRK	1.5	600.00	900.00	
06/14/16	Conference call with defendants and government counsel discussing plaintiffs' desire to reopen discovery and certain data.	MRK	0.33333	600.00	200.00	
06/21/16	Prepare email to Rick Drummond discussing proposed response to defendants' motion to reconsider; revised draft response to add law, rules citation and transcript references; prepare email to Michelle Zingaro and Dick Nicholson discussing revisions; review proposed discovery to defendants circulated by Nicholson; conference call with Zingaro and Nicholson discussing response to motion for reconsideration and approach to possible lift of discovery stay.	MRK	3.5	600.00	2,100.00	
07/28/16	Telephone call with Dick Nicholson discussing results of Mike Petron's deposition and availability of OIG exclusion proceedings; prepare email to Rick Drummond reporting on call with Nicholson.	MRK	0.41667	600.00	250.00	
07/29/16	Research procedure for submitting FOIA request to OIG (:10); telephone call with OIG FOIA office discussing same (:05); prepare and submit FOIA request to OIG seeking files relating to OIG exclusion proceeding (:30); telephone call with Rick Drummond reporting on same and deposition of Mike Petron (:10).	MRK	0.91667	600.00	550.00	
09/09/16	Research relevant case law and prepare appeal of OIG FOIA denial.	MRK	1.5	600.00	900.00	
09/20/16	Telephone call with Rick Drummond seeking information on best practice for reviewing Dallas claims data; telephone call with Michelle Zingaro reporting on Drummond's advice.	MRK	0.83333	600.00	500.00	
09/21/16	Attend deposition of Mike Petron.	MRK	4.5	600.00	2,700.00	
09/26/16	Telephone call with Michelle Zingaro and Dick Nicholson discussing strategy for seeking further discovery, types of discovery needed and related issues (:40); telephone call with Rick Drummond reporting on same (:30).	MRK	1.16667	600.00	700.00	
09/26/16	Extended telephone call with government counsel discussing strategic issues relating to moving case forward.	MRK	0.75	600.00	450.00	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
09/29/16	Prepare detailed timeline of relevant case dates (:45); review case materials and legal research in preparation for hearing (1:30); participate in hearing before Judge Hughes discussing various motions pending before the court (1:45).	MRK	4	600.00	2,400.00	
09/29/16	Review copy of OIG's notice of intent to exclude defendants (:05); prepare email to Rick Drummond discussing same (:05).	MRK	0.16667	600.00	100.00	
10/06/16	Review order denying defendants' request for additional discovery; prepare email to Rick Drummond discussing same.	MRK	0.16667	600.00	100.00	
10/07/16	Prepare email to Rick Drummond providing copy of Sept 29 hearing transcript.	MRK	0.08333	600.00	50.00	
10/08/16	Review Sept 29 hearing transcript	MRK	0.75	600.00	450.00	
10/28/16	Conference call with government counsel discussing strategic options for advancing case.	MRK	1	600.00	600.00	
10/31/16	Telephone call with Rick Drummond reporting on call with government and discussing strategic options.	MRK	0.66667	600.00	400.00	
11/08/16	Telephone call with Michelle Zingaro discussing possible request for status conference.	MRK	0.16667	600.00	100.00	
11/09/16	Prepare email to Rick Drummond reporting on my call with Michelle Zingaro.	MRK	0.08333	600.00	50.00	
12/15/16	Telephone call with OIG discussing status of FOIA appeal.	MRK	0.16667	600.00	100.00	
01/04/17	Review letter from defendants accusing Dr. Drummond of defamation; prepare email to Drummond discussing same; telephone call with Drummond regarding accusations.	MRK	1	600.00	600.00	
01/12/17	Research Texas libel and defamation law; draft response to defendants letter; prepare email to Rick Drummond discussing same.	MRK	1.5	600.00	900.00	
01/17/17	Conference call with Michelle Zingaro and Dick Nicholson discussing strategy for moving case forward; telephone call with Rick Drummond reporting on call; revise draft request for status conference prepared by Michelle Zingaro; prepare email to Zingaro discussing same.	MRK	1.58333	600.00	950.00	
02/01/17	Finalize letter to Eric Nichols responding to allegations of defamation; exchange emails with Court's case manager discussing alternative dates for hearing.	MRK	0.33333	600.00	200.00	
02/02/17	Exchange emails with Court's case manager and defendants discussing alternative hearing dates.	MRK	0.16667	600.00	100.00	
02/06/17	Exchange emails with court's case manager and government discussing potential hearing dates.	MRK	0.16667	600.00	100.00	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
02/08/17	Exchange emails with Doug Salisbury discussing potential hearing dates.	MRK	0.08333	600.00	50.00	
02/09/17	Telephone call with Rick Drummond discussing defendants' efforts to delay hearing; prepare draft response opposing delay; prepare email to government counsel discussing draft opposition.	MRK	1	600.00	600.00	
04/04/17	Exchange emails with Michelle Zingaro discussing status of OIG administrative proceeding; prepare email to Rick Drummond reporting on same.	MRK	0.16667	600.00	100.00	
04/05/17	Review email from Doug Salisbury seeking to continue April 27 hearing; exchange emails with Rick Drummond discussing request.	MRK	0.25	600.00	150.00	
04/06/17	Telephone call with Rick Drummond discussing defendants extension request; exchange emails with Michelle Zingaro discussing relator's position on latest delay; draft email response to defendants; exchange emails with government discussing proposed email; revise and finalize email response to Doug Salisbury	MRK	1.5	600.00	900.00	
04/07/17	Review defendants' motion to continue April 27 hearing; prepare email to Rick Drummond discussing same; review Court's order granting continuance; exchange emails with Rick Drummond discussing continuance.	MRK	0.16667	600.00	100.00	
05/05/17	Review Doug Salisbury's email seeking to continue May 11 hearing; telephone call with Michelle Zingaro discussing response; exchange emails with Rick Drummond discussing same; review defendants' emergency motion for continuance; draft opposition to continuance for government.	MRK	1.41667	600.00	850.00	
05/06/17	Revise draft opposition to motion for continuance and circulate to government.	MRK	0.5	600.00	300.00	
05/08/17	Review Court's order continuing May 11 hearing; exchange emails with Rick Drummond discussing same.	MRK	0.5	600.00	300.00	
06/01/17	Begin researching and drafting letter to Judge Hughes seeking to expedite case and discussing mandamus option.	MRK	3.75	600.00	2,250.00	
06/02/17	Revise draft letter to Judge Hughes and verify dates, etc.; prepare email to Rick Drummond seeking comment on draft letter.	MRK	1.75	600.00	1,050.00	
06/05/17	Telephone call with OIG discussing status of FOIA Appeal	MRK	0.08333	600.00	50.00	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
06/05/17	Hone text of draft letter to Court discussing delay; prepare email to government seeking comment on draft letter; exchange emails with Michelle Zingaro and Dick Nicholson discussing views on draft letter; prepare email to Rick Drummond discussing status of draft letter.	MRK	0.75	600.00	450.00	
06/06/17	Review emails from Rick Drummond discussing draft letter to Court; revise letter to incorporate changes; review GWU lab study and implement related changes to letter; prepare email to Michelle Zingaro and Dick Nicholson providing revised version of draft letter; finalize letter and submit to Court and counsel of record.	MRK	1.75	600.00	1,050.00	
06/07/17	Review Doug Salisbury email to Court's case manager; share same with Rick Drummond.	MRK	0.08333	600.00	50.00	
06/08/17	Review email from Court's case manager discussing need to file letter via ECF system; filed letter to Judge Hughes via ECF; prepare email to Rick Drummond discussing same.	MRK	0.25	600.00	150.00	
06/12/17	Telephone call with Rick Drummond reporting on information he received about Best Care.	MRK	0.5	600.00	300.00	
06/20/17	Review pleadings, notes and related materials in preparation for June 21 hearing; telephone call with Michelle Zingaro discussing coordination for hearing.	MRK	2.25	600.00	1,350.00	
06/21/17	Continue preparation for hearing by reviewing pending MSJs, preparing litigation timeline and generating notes for hearing (3:45); telephone call with Michelle Zingaro and Daniel Hu discussing discovery and potential disposition of additional claims (:10); pre-hearing meeting with Rick Drummond (:15); hearing before Judge Hughes (1:30); post-hearing meeting with client and government counsel (1:15); travel to/from hearing (:40).	MRK	7.58333	600.00	4,550.00	
07/10/17	Exchange emails with Michelle Zingaro and Dick Nicholson discussing defendants settlement overtures to Daniel Hu.	MRK	0.25	600.00	150.00	
08/02/17	Perform legal research to support petition for writ of mandamus.	MRK	1.5	600.00	900.00	
08/03/17	Review case law and 5th Circuit procedures relating to anticipated petition for mandamus.	MRK	2	600.00	1,200.00	
08/06/17	Begin drafting petition for writ of mandamus.	MRK	2.25	600.00	1,350.00	
08/09/17	Continue drafting petition for writ of mandamus.	MRK	1.25	600.00	750.00	
08/17/17	Revise draft petition for writ of mandamus; research additional case law.	MRK	2.83333	600.00	1,700.00	
09/05/17	Revise and reorganize draft petition for writ of mandamus.	MRK	2.33333	600.00	1,400.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
09/08/17	Continue honing text of draft petition for writ of mandamus.	MRK	1.16667	600.00	700.00	
09/13/17	Extensive editing of draft mandamus petition.	MRK	3.25	600.00	1,950.00	
09/15/17	Revise draft petition for writ of mandamus to arrive at initial draft; prepare email to Rick Drummond seeking review; prepare email to government counsel providing draft of petition.	MRK	2.5	600.00	1,500.00	
09/19/17	Telephone call with Rick Drummond discussing draft petition for writ of mandamus.	MRK	0.33333	600.00	200.00	
09/20/17	Exchange emails with government counsel discussing timing for filing mandamus petition; telephone call with Michelle Zingaro discussing need to expand on procedural history.	MRK	0.33333	600.00	200.00	
09/27/17	Revise draft petition for writ of mandamus to incorporate suggestions from government (2:05); prepare exhibit showing pending motions and related briefing (1:00); prepare email to government discussing revised draft (:05); prepare email to Rick Drummond discussing same (:05).	MRK	3.25	600.00	1,950.00	
09/28/17	Telephone call with Michelle Zingaro discussing comments on draft petition for writ of mandamus (:10); review comments from Dick Nicholson and respond (:15); implement comments from government colleagues and revise draft petition (1:15).	MRK	1.66667	600.00	1,000.00	
09/29/17	Revise draft petition to edit recent changes; research appellate and 5th Circuit rules; prepare email to government counsel circulating revised petition and seeking advice on compliance with FRAP 21.	MRK	1.33333	600.00	800.00	
10/02/17	Revise, proofread and finalize petition for writ of mandamus and exhibits; telephone call with clerk of court to overcome technical filing problems; complete filing of petition; file petition in District Court; prepare email to Rick Drummond discussing filings.	MRK	2.75	600.00	1,650.00	
10/03/17	Review 5th Circuit ECF notice; prepare emails to Rick Drummond and government counsel discussing same.	MRK	0.25	600.00	150.00	
10/17/17	Telephone call with 5th Circuit clerk to discuss timing and logistics associated with Court's review of petition for writ of mandamus; contact Rick Drummond to reporting on call with Clerk.	MRK	0.25	600.00	150.00	
10/18/17	Review Judge Hughes' response to petition for writ of mandamus; exchange emails with government counsel discussing same; prepare email to Rick Drummond providing Court's response.	MRK	0.75	600.00	450.00	
10/24/17	Prepare email to Rick Drummond providing notice that ALJ had denied OIG motion for summary judgment.	MRK	0.16667	600.00	100.00	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
11/08/17	Draft notice of change of address, file with Court and serve on counsel of record.	MRK	0.5	600.00	300.00	
12/28/17	Review Court's decision on defendant's personal liability; prepare email to Rick Drummond discussing same; telephone call with Drummond discussing decision and status of case.	MRK	0.75	600.00	450.00	
01/24/18	Telephone call with 5th Circuit clerk regarding status of petition for writ of mandamus (:10); telephone call with Michelle Zingaro reporting on same and discussing recent developments (:30); telephone call with Rick Drummond reporting on calls with Clerk and Zingaro (:15).	MRK	0.91667	600.00	550.00	
03/12/18	Review 5th Circuit request for status report on mootness of mandamus petition; prepare email to Rick Drummond discussing same.	MRK	0.25	600.00	150.00	
03/13/18	Draft response to 5th Circuit inquiry; prepare email to co-counsel seeking comment; public disclosure Rick Drummond seeking comment.	MRK	1	600.00	600.00	
03/13/18	Draft supplemental letter brief to court regarding mootness of pending petition for a writ of mandamus (:30); prepare email to Rick Drummond discussing same (:05); prepare emails to government counsel seeking comment on draft (:05); telephone call with Drummond discussing status of case and 5th Circuit's inquiry and directive (:20).	MRK	1	600.00	600.00	
03/14/18	Review emails from government counsel suggesting changes to 5th Circuit response; respond to suggestions.	MRK	0.25	600.00	150.00	
03/15/18	Review email from Dick Nicholson discussing 5th Circuit response; prepare email responding to Nicholson.	MRK	0.16667	600.00	100.00	
03/15/18	Review email from Dick Nicholson commenting on draft response to 5th Circuit's mootness inquiry (:05); prepare response (:05); revise draft supplemental letter brief to 5th Circuit to incorporate Michelle Zingaro suggestion, hone text and add certificate of service (:30).	MRK	0.66667	600.00	400.00	
03/20/18	Finalize letter responding to 5th Circuit 'mootness' inquiry; file with Circuit Court; prepare email to Rick Drummond providing same; exchange emails with Dick Nicholson discussing status of OIG exclusion hearing.	MRK	1.25	600.00	750.00	
03/21/18	Review defendants' response to 5th Circuit; prepare email to government discussing same.	MRK	0.16667	600.00	100.00	
03/22/18	Prepare email to Rick Drummond discussing defendants' response to 5th Circuit; review emails from government discussing defendants' response.	MRK	0.16667	600.00	100.00	



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
03/23/18	Review 5th Circuit issuance of mandate; exchange emails with government and Rick Drummond discussing 5th Circuit's action; telephone call with Drummond discussing impact of 5th Circuit ruling.	MRK	1	600.00	600.00	
03/28/18	Telephone call with Dick Nicholson discussing ALJ exclusion hearing.	MRK	0.16667	600.00	100.00	
04/03/18	Review Court's opinion and orders granting FCA motion for summary judgment and final judgment (:20); telephone calls with Michelle Zingaro and Rick Drummond discussing decision and next steps (:45); telephone call with Zingaro discussing results of OIG administrative proceeding (:10).	MRK	1.25	600.00	750.00	
04/04/18	Telephone call with Rick Drummond reporting on call with Michelle Zingaro discussing results of OIG exclusion proceeding.	MRK	0.25	600.00	150.00	
04/05/18	Exchange emails with defendants' counsel discussing potential resolution of attorneys' fees issue (:20); prepare email to government counsel and Rick Drummond discussing defendants' request for mutual extension in order to resolve fee issue (:05); telephone call with Drummond discussing same (:15).	MRK	0.66667	600.00	400.00	
04/06/18	Review email from Dick Nicholson discussing 'finality' of Judge Hughes' recent decision; extended telephone call with Nicholson discussing implications of Court's ruling and strategic considerations moving forward; extended telephone call with Rick Drummond reporting on call with Nicholson and status of case.	MRK	1.33333	600.00	800.00	
04/07/18	Organize time and billing entries (4:00); review lengthy email from Rick Drummond and prepare response (:20).	MRK	4.3333	600.00	2,599.98	
04/08/18	Continue organizing time and billing records.	MRK	3	600.00	1,800.00	
04/09/18	Continue organizing time and billing entries; begin editing timesheets.	MRK	2.5	600.00	1,500.00	
04/11/18	Exchange emails with Michelle Zingaro responding her inquiry (:10); telephone call with Rick Drummond seeking information to respond to Zingaro (:05).	MRK	0.25	600.00	150.00	
04/16/18	Exchange multiple emails with John Zavitsanos discussing arrangements for meeting (:15); telephone call with Rick Drummond reporting on communications with Zavitsanos (:10).	MRK	0.41667	600.00	250.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
04/17/18	Telephone call with Rick Drummond discussing issues relating to meeting with Best Care counsel (:15); telephone call with Dick Nicholson discussing government positions (:10); meeting with John Zavitsanos and Jon Stephenson discussing settlement and enforcement of judgment (1:25); telephone call with Drummond reporting on meeting (:10).	MRK	2	600.00	1,200.00	
04/24/18	Review defendants motion for reconsideration of partial judgment (:25); telephone call with Rick Drummond discussing defendants' motion (:20).	MRK	0.75	600.00	450.00	
05/07/18	Review lengthy email from Dick Nicholson discussing legal and strategic issues relating to response to defendants motion for reconsideration and motion for entry of final judgment (:20); telephone call with Nicholson discussing same (:15); telephone call with Rick Drummond discussing status of case and communications with Nicholson (:25).	MRK	1	600.00	600.00	
05/10/18	Review and revise Dick Nicholson's draft response to defendants' motion for reconsideration (1:25); prepare email to Nicholson discussing revisions (:05); telephone call with Rick Drummond discussing case status and procedure for obtaining final judgment (:15); research relevant cases and prepare and revise draft motion and order imposing final 54(b) judgment (:50); prepare email to Nicholson discussing same (:05).	MRK	2.66667	600.00	1,600.00	
05/17/18	Exchange emails with Michelle Zingaro discussing motion seeking entry of final judgment.	MRK	0.16667	600.00	100.00	
06/05/18	Review email from Dick Nicholson discussing revisions to proposed Rule 54 motion (:10); review revisions to motion and proposed order prepared Nicholson and Michelle Zingaro (:20); prepare email to Nicholson and Zingaro discussing changes (:05); telephone call with Rick Drummond discussing status of case (:10).	MRK	0.75	600.00	450.00	
06/18/18	Telephone call with Rick Drummond discussing status of case and proposed Rule 54(b) motion for final judgment.	MRK	0.41667	600.00	250.00	
06/19/18	Review and revise draft Rule 54(b) motion for final judgment and related order (:20); prepare email to Dick Nicholson and Michelle Zingaro discussing same (:05).	MRK	0.41667	600.00	250.00	
07/10/18	Prepare email to government counsel proposing strategy for moving motion for entry of final judgment along (:05); review responses and Michelle Zingaro's email to defendants seeking their position (:10).	MRK	0.25	600.00	150.00	

Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
07/11/18	Review Eric Nichols email discussing defendants' position on proposed motion for entry of final judgment (:05); exchange emails with government counsel discussing strategy for proceeding (:05).	MRK	0.16667	600.00	100.00	
07/12/18	Review email from Dick Nicholson discussing revised motion for entry of final judgment; review and revise draft motion (:20); prepare email to government counsel providing comments and suggestions for revision (:10); exchange emails with Nicholson discussing proposed revisions (:10).	MRK	0.66667	600.00	400.00	
07/16/18	Review Court's denial of reconsideration and exchange emails with Rick Drummond discussing same.	MRK	0.16667	600.00	100.00	
07/17/18	Respond to Dick Nicholson's inquiry regarding finalizing motion for entry of final judgment.	MRK	0.08333	600.00	50.00	
07/18/18	Review court's entry of final judgment; prepare email to Rick Drummond discussing same (:05); exchange emails with government counsel discussing same and suggestion for conference call to discuss strategy (:10)	MRK	0.25	600.00	150.00	
07/22/18	Review email from Rick Drummond and respond.	MRK	0.16667	600.00	100.00	
07/24/18	Extended telephone call with Michelle Zingaro and Dick Nicholson discussing strategy for executing on judgment (1:20); telephone call with Rick Drummond reporting on call with government (:25).	MRK	1.75	600.00	1,050.00	
07/25/18	Exchange emails with defendants discussing resolution of attorneys' fee claim.	MRK	0.08333	600.00	50.00	
07/26/18	Review Federal Debt Collection Practices Act (:20); review defendants' filings in the 5th Circuit, including motion to stay enforcement (:45); telephone call with government counsel discussing enforcement options and efforts (1:00); telephone call with Rick Drummond reporting on call with government and defendants' filings (:40).	MRK	2.75	600.00	1,650.00	
07/29/18	Review and finalize time and billing invoice.	MRK	3.25	600.00	1,950.00	
07/30/18	Begin drafting motion for attorneys' fees and costs (3:15); perform related research (1:30); telephone call with Melissa Neiman discussing motion (:15); begin preparing exhibits (:45).	MRK	5.75	600.00	3,450.00	
07/31/18	Repeatedly revise and hone draft motion for attorneys fees and expenses (4:00); finalize exhibits (1:00); finalize documents for filing (:15).	MRK	5.25	600.00	3,150.00	
	Subtotal - Attorneys' Fees				424370.82	
08/04/18	Case filing fee	Case E...		350.00	350.00	



Invoice for Professional Services

Client		Case		Invoice Date	
		Best Care Lab		07/31/18	
Date	Description	Attorney	Time	Rate	Amount
10/06/08	Mileage to/from meeting at USAO (25 miles @ .585)			14.63	14.63
10/31/08	Lunch - 10/6/08 meeting with Drummond prior to meeting with USAO			23.76	23.76
10/31/08	Parking - 10/6/08 meeting at USAO in Houston			12.00	12.00
10/31/08	Postage			25.00	25.00
11/20/08	Mileage to/from meeting with Martha Sharali in Clear Lake (80 miles @ .585)			46.80	46.80
12/03/08	Postage			6.12	6.12
12/15/08	Mileage to/from US Courthouse for conference before Judge Hughes (25 miles @ .585)			14.63	14.63
12/31/08	Meals - Interview with Martha Sharali (MRK, MN)			55.84	55.84
12/31/08	Postage			4.02	4.02
01/30/09	Parking - conference with the Court			3.00	3.00
02/17/09	Legal research - Dec 2008			30.91	30.91
05/04/09	Mileage to/from US Courthouse for conference before Judge Hughes (25 miles @ .55)			13.75	13.75
05/04/09	Parking - hearing before Judge Hughes on 5/4/09			0.00	0.00
09/14/09	Mileage to/from Court - Hearing before Hughes, J. (25 mi x \$.55)			13.75	13.75
09/14/09	Parking - Hearing before Judge Hughes			3.00	3.00
05/15/10	Legal Research			302.54	302.54
05/26/11	Parking - Mgt with Counsel for Government			5.00	5.00
10/15/11	Legal Research (Sept. 2011)			3.90	3.90
01/15/12	Legal Research (Dec. 2011)			25.40	25.40
01/18/12	Meals - strategy meeting with M.Zingaro and M.Neiman			5.63	5.63
01/18/12	Mileage - R/T to US Courthouse for conf before Hughes, J.			13.88	13.88
01/18/12	Parking - Conference before Hughes, J.			9.00	9.00
02/15/12	Legal Research (Jan. 2012)			32.61	32.61
06/15/12	Legal Research (May 2012)			12.35	12.35
07/15/12	Legal Research (June 2012)			27.29	27.29
07/17/12	Postage (July 2012)			0.65	0.65
07/18/12	Coffee with Michelle Zingaro to discuss conference with Court			2.65	2.65
07/18/12	Mileage - Conference before Hughes, J. (transport R. Nicholson to IAH) (65 miles @ \$.555)			36.08	36.08
07/18/12	Parking - Conference before Hughes, J.			9.00	9.00
08/15/12	Legal Research (Jul 2012)			19.39	19.39
09/15/12	Legal Research (Aug. 2012)			0.44	0.44
02/15/13	Mediation fee			1100.00	1,100.00
09/26/13	Parking - Hrg before Judge Hughes			4.35	4.35
10/23/13	Airfare - HOU/DAL for Dep of Dean Richardson			116.30	116.30
10/28/13	Mileage - Leigh Del Rio Depo (25 mi x \$.565/mile)			14.13	14.13
10/28/13	Parking - Depo of Leigh Del Rio			14.50	14.50
10/29/13	Meals - Post-Depo Lunch with Rick Drummond			13.25	13.25



Invoice for Professional Services

Client		Case		Invoice Date	
		Best Care Lab		07/31/18	
Date	Description	Attorney	Time	Rate	Amount
10/29/13	Mileage - Rick Drummond Depo (25 mi x \$.565)			14.13	14.13
10/29/13	Mileage - Brooke Kamholz Clark Depo (25 mi x \$.565)			14.13	14.13
10/29/13	Parking - Depo of Rick Drummond			20.00	20.00
10/29/13	Parking - MRK and Leigh Del Rio (Del Rio Dep)			40.00	40.00
10/30/13	Mileage - Martha Shirali Depo (25 mi x \$.565/mile)			14.13	14.13
10/30/13	Parking - Depo of Martha Shirali			14.50	14.50
10/31/13	Meals - Lunch between depositions			10.00	10.00
10/31/13	Mileage - Michelle Collins Belmarez Depo (25 mi x \$.565/mile)			14.13	14.13
10/31/13	Mileage - Barbara Franco Depo (25 mi x \$.565/mile)			14.13	14.13
10/31/13	Parking - Depos of M. Belmarez and B. Franco			18.00	18.00
11/05/13	Taxi - DAL to USAO for Richardson Depo.			32.00	32.00
11/05/13	Taxi - USAO to DAL for Richardson Depo.			30.00	30.00
11/05/13	Meals - Lunch mtg with MZingaro and DRichardson			10.00	10.00
11/05/13	Meals - Cofee, Water during Depo of Dean Richardson			12.32	12.32
11/05/13	Meals - Post-depo mtg w/Michelle Zingaro			26.74	26.74
11/05/13	Mileage - R/T to HOU for flights to Dallas (Richardson Dep)			28.26	28.26
11/05/13	Parking - At HOU for Depo of Dean Richardson			5.91	5.91
01/30/14	Legal Research (Jan. 2014)			236.81	236.81
04/30/14	Legal Research (Apr. 2014)			83.93	83.93
08/05/14	PACER Charges			6.90	6.90
10/30/14	Legal Research (Oct. 2014)			17.98	17.98
11/12/14	Meals - working lunch with govt after court (MRK, MN, Drummond)			34.55	34.55
11/12/14	Parking - at US courthouse for hearing before Judge Hughes			15.00	15.00
11/12/14	Parking - at USAO for settlement meeting with defense counsel			15.00	15.00
12/01/14	Legal Research (Nov. 2014)			17.98	17.98
03/02/15	Legal Research (Feb. 2015)			5.18	5.18
04/09/15	PACER Charges (1/1/15-3/31/15)			1.30	1.30
07/01/15	Legal Research (June 2015)			62.91	62.91
11/30/15	Legal Research (Nov. 2015)			31.39	31.39
02/01/16	Legal Research (Jan. 2016)			78.11	78.11
03/23/16	Parking - Hearing before Judge Hughes			4.85	4.85
03/31/16	Legal Research (Mar. 2016)			2.16	2.16
05/18/16	Document Fee - Obtain at USG request article discussing profit margin of lab industry			18.00	18.00
05/31/16	Legal Research (May 2016)			3.26	3.26
09/21/16	Mileage - travel to/from USAO for Petron Depo (20mi x \$.54)			10.80	10.80
09/21/16	Parking - at USAO during M. Petron Depo			53.00	53.00
09/29/16	Meals - pre-hearing meeting with Rick Drummond			5.19	5.19



Invoice for Professional Services

Client		Case			Invoice Date	
		Best Care Lab			07/31/18	
Date	Description	Attorney	Time	Rate	Amount	
09/29/16	Meals - meeting with government counsel to debrief hearing before Judge Hughes			93.51	93.51	
09/29/16	Parking - MRK for hearing before Judge Hughes			15.00	15.00	
10/02/16	Legal Research (Sept. 2016)			156.71	156.71	
06/03/17	Legal Research (May 2017)			4.85	4.85	
06/16/17	Postage (Oct 2017)			0.60	0.60	
06/21/17	Meals - Post-Hearing meeting with client and Govt counsel			67.87	67.87	
06/21/17	Mileage - R/T to Courthouse for hearing before Judge Hughes			13.38	13.38	
06/21/17	Parking - Hearing before Judge Hughes			15.00	15.00	
07/02/17	Legal Research (June 2017)			4.43	4.43	
08/10/17	PACER Charges (2Q 2017)			8.20	8.20	
09/12/17	Postage (Oct 2017)			5.35	5.35	
09/14/17	Postage (Mar 2018)			0.47	0.47	
09/30/17	Legal Research (Sep. 2017)			8.11	8.11	
10/04/17	5th Cir Filing Fee for Petition for Writ of Mandamus			500.00	500.00	
11/03/17	Legal Research (Oct. 2017)			12.65	12.65	
04/17/18	Meals - Meeting with Stephenson and Zavitsanos			5.33	5.33	
04/17/18	Mileage - Meeting with Defense Counsel (15 mi @ \$.545)			8.18	8.18	
06/04/18	Legal Research (May 2018)			8.97	8.97	
	Total Reimbursable Expenses				4,336.84	